

HOUSE JOURNAL

SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-FIRST DAY — TUESDAY, APRIL 15, 2003

The house met at 9 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 232).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Absent, Excused — Laney.

Absent — Pickett.

The invocation was offered by Reverend Larry Embry, pastor, Calvary Baptist Church, Brenham, as follows:

Our Father, we remember the biblical injunction, "This is the day the Lord has made, let us rejoice and be glad in it." (Psalms 118:24)

This morning, we rejoice in your goodness. We thank you for life, and we thank you for life in America. We ask for your blessings to be upon our leaders on the national level, and we pray for wisdom and courage for our elected state leaders as they wrestle with tough decisions in the budgetary process. We pray for each representative in this chamber that they would seek your face and your holy will as they make decisions which will have an enormous impact on the citizenry of the State of Texas.

We pray that the war in Iraq will come to a swift and decisive conclusion. We give you thanks for our POWs who have been freed.

Bless the deliberations of this body today. May the interests and needs of the citizens of Texas motivate this body in all of their decisions.

We ask for your grace and your peace, through Christ Jesus our Lord. In Christ's name. Amen.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a funeral:

Laney on motion of Goolsby.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 26).

CAPITOL PHYSICIAN

The speaker recognized Representative Luna who presented Dr. Ronald G. Munson of Mathis as the "Doctor for the Day."

The house welcomed Dr. Munson and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 611 - ADOPTED (by Campbell)

Representative Campbell moved to suspend all necessary rules to take up and consider at this time **HR 611**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 611, In memory of Joseph "Jose" Lord Tweedy, Jr.

HR 611 was unanimously adopted by a rising vote.

INTRODUCTION OF GUESTS

The speaker recognized Representative Campbell who introduced the family of Joseph Lord Tweedy, Jr.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Edwards and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

HR 777 - ADOPTED (by Hodge)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 777**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 777, Congratulating Antonio Carlos "Tatu" Pecorari on his athletic and civic achievements.

HR 777 was adopted without objection.

HR 776 - ADOPTED
(by Hodge)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 776**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 776, In memory of William J. "Fuzzy" Douglas, Jr., of Bryan.

HR 776 was unanimously adopted by a rising vote.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 776** as signers thereof.

HR 627 - ADOPTED
(by Krusee)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 627**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 627, Welcoming the Leadership Round Rock Class of 2003 to the Capitol on April 15, 2003.

HR 627 was adopted without objection.

HR 710 - ADOPTED
(by McClendon)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 710**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 710, Recognizing April 15, 2003, as Transplant Day at the State Capitol and commending the Texas Transplantation Society.

HR 710 was adopted without objection.

HR 475 - ADOPTED
(by Hilderbran)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 475**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 475, In memory of Demetrios John "Rio" Nicholas of Fredericksburg.

HR 475 was unanimously adopted by a rising vote.

On motion of Representative Casteel, the names of all the members of the house were added to **HR 475** as signers thereof.

UNFINISHED BUSINESS

The following bill was laid before the house as unfinished business:

CSHB 1 ON SECOND READING

(by Heflin)

CSHB 1, General Appropriations Act.

Amendment No. 22

Representative Canales offered the following amendment to **CSHB 1**:

Floor Packet Page No. 13

Amend **CSHB 1** as follows:

1.) On page I-53, Historical Commission, Strategy A.1.5. (Courthouse Preservation), reduce the amount of the appropriation by \$500,000 in Fiscal Year 2004 and \$500,000 in Fiscal Year 2005.

2.) On page I-3, Commission on the Arts, B.1.1. Strategy (Distribute Direct Grants) increase general revenue appropriations by \$1,000,000 for the biennium.

Amendment No. 23

Representative Canales offered the following amendment to Amendment No. 22:

Amend the Amendment found on page 13 of the Amendment packet in **CSHB 1** as follows:

1.) On page I-53, Historical Commission, Strategy A.1.5. (Courthouse Preservation), reduce the amount of the appropriation by \$1,000,000 in Fiscal Year 2004.

2.) On page I-3, Commission on the Arts, C.1.1 Strategy (Distribute Direct Grants) increase general revenue appropriations by \$1,000,000 for the biennium.

Amendment No. 23 was adopted without objection.

(Pickett now present)

Representative Pickett moved to table Amendment No. 22.

A record vote was requested.

The motion to table prevailed by (Record 233): 87 Yeas, 39 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Driver; Edwards; Eissler; Elkins; Ellis; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty;

Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Mabry; Madden; Marchant; Mercer; Merritt; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; Farabee; Farrar; Gallego; Garza; Guillen; Hochberg; Homer; Hopson; Martinez Fischer; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Quintanilla; Raymond; Riddle; Rodriguez; Solis; Telford; Thompson; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Laney.

Absent — Callegari; Capelo; Corte; Denny; Dukes; Eiland; Flores; Geren; Giddings; Hodge; Jones, E.; Jones, J.; Lewis; McCall; McClendon; McReynolds; Menendez; Miller; Puente; Rose; Turner.

STATEMENTS OF VOTE

When Record No. 233 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

I was shown voting no on Record No. 233. I intended to vote yes.

Guillen

When Record No. 233 was taken, my vote failed to register. I would have voted yes.

Menendez

When Record No. 233 was taken, I was in the house but away from my desk. I would have voted no.

Puente

HR 703 - ADOPTED (by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 703**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 703, Congratulating the Iraan High School boys' and girls' cross-country teams for winning the 2002 1A state championship titles.

HR 703 was adopted without objection.

CSHB 1 - (consideration continued)**Amendment No. 24**

Representative Dunnam offered the following amendment to **CSHB 1**:

Floor Packet Page No. 14

Amend **CSHB 1** as follows:

1) On page X-2, House of Representatives, strike Rider #3, Unexpended Balances.

2) On page X-4, Legislative Council, Rider #2, after the words "Unexpended Balances", strike the first paragraph beginning with the words "Any unexpended balances as of August 31, 2003" and ending with the words "appropriation to the Council."

3) On page I-6, Office of the Attorney General, B.1.1. Strategy (Child Support Enforcement), increase the General Revenue appropriation by \$8,000,000 for the biennium.

Amendment No. 25

Representative Gallego offered the following amendment to Amendment No. 24:

Amend Amendment No. 24 by Dunnam to **CSHB 1** (page 14, amendment packet) as follows:

(1) In Item No. 3 of the amendment, strike "\$8,000,000" and substitute "\$2,600,000."

(2) Add the following to the end of the amendment:

"(4) On page III-88, Texas A&M University-Kingsville, add the following section:

Sec. _____. **Irma Rangel School of Pharmacy.** In addition to the funds appropriated above, Texas A&M-Kingsville is hereby appropriated \$5.4 million for the completion of the building, for furnishing and equipping the facility, and for other costs as required for the school to begin accepting students in the fall 2005 semester. The legislature determines that there is a demonstrated need for this project."

Amendment No. 25 was adopted without objection.

Representative Heflin moved to table Amendment No. 24.

A record vote was requested.

The motion to table prevailed by (Record 234): 87 Yeas, 37 Nays, 3 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Gutierrez; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Marchant;

McCall; Mercer; Merritt; Miller; Morrison; Mowery; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Stick; Swinford; Taylor; Truitt; Turner; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Burnam; Canales; Capelo; Castro; Chavez; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Ellis; Farabee; Farrar; Gallego; Garza; Guillen; Hochberg; Hodge; Hopson; Mabry; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Naishtat; Noriega; Olivo; Quintanilla; Raymond; Rodriguez; Solis; Thompson; Uresti; Villarreal; Wilson.

Present, not voting — Mr. Speaker(C); Homer; Talton.

Absent, Excused — Laney.

Absent — Bailey; Coleman; Deshotel; Flores; Giddings; Goodman; Haggerty; Howard; Jones, J.; Madden; McClelland; Moreno, P.; Nixon; Oliveira; Peña; Puente; Rose; Solomons; Telford; Wise; Wolens.

STATEMENTS OF VOTE

When Record No. 234 was taken, my vote failed to register. I would have voted no.

Deshotel

When Record No. 234 was taken, I was in the house but away from my desk. I would have voted no.

Puente

INTRODUCTION OF GUESTS

The speaker recognized Representative Nixon who introduced his parents, Hershell and Joan Lowery Nixon. The house welcomed Mrs. Nixon who was available to autograph copies of her children's books.

CSHB 1 - (consideration continued)

Amendment No. 26

Representative Eiland offered the following amendment to **CSHB 1**:
Floor Packet Page No. 16

Amend **CSHB 1** as follows:

1. On page II-12 of the Cancer Council's bill pattern, reduce General Revenue funds by \$56,500 in 2004 and by \$56,500 in 2005.

2. Move the bill pattern and appropriations for the Cancer Council from Article II to Article I.

Amendment No. 26 was adopted without objection.

Amendment No. 27

Representative Eiland offered the following amendment to **CSHB 1**:
Floor Packet Page No. 17

Amend **CSHB 1** as follows:

On page I-4, reduce General Revenue funds for the Commission on the Arts by \$2,900,253 in 2004 and by \$2,800,252 in 2005.

Amendment No. 28

Representative Eiland offered the following amendment to Amendment No. 27:

Amend Amendment No. 27 by Eiland to **CSHB 1** (page 17, amendment packet) as follows:

(1) Strike "\$2,900,253 in 2004 and by \$2,800,252 in 2005" and substitute "\$2,700,000 for the state fiscal year ending August 31, 2004 and by \$2,700,000 for the state fiscal year ending August 31, 2005".

(2) Add the following to the end of the amendment:

Increase the Article II appropriations to the Department of Human Services for Strategy A.1.4 IN HOME & FAMILY SUPPORT by \$2,700,000 for the state fiscal year ending August 31, 2004 and by \$2,700,000 for the state fiscal year ending August 31, 2005.

Amendment No. 28 was adopted without objection.

(W. Smith in the chair)

Representative Pickett moved to table Amendment No. 27.

A record vote was requested.

The motion to table prevailed by (Record 235): 88 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Allen; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hughes; Hunter; Hupp; Isett; Jones, E.; Keffer, B.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, W.(C); Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Burnam; Canales; Castro; Coleman; Davis, Y.; Dunnam; Dutton; Eiland; Ellis; Farabee; Farrar; Gallego; Garza; Guillen; Gutierrez; Hochberg; Hodge; Hopson; Jones, D.; Jones, J.; Keel; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Naishtat; Noriega; Olivo; Puente; Quintanilla; Raymond; Rodriguez; Smith, T.; Solis; Telford; Thompson; Turner; Uresti; Wilson.

Present, not voting — Mr. Speaker.

Absent, Excused — Laney.

Absent — Capelo; Christian; Deshotel; Dukes; Flores; Giddings; Goolsby; Haggerty; Howard; Keffer, J.; Mabry; McClendon; Moreno, P.; Oliveira; Peña; Rose; Villarreal; Wise; Wolens.

STATEMENTS OF VOTE

When Record No. 235 was taken, I was in the house but away from my desk. I would have voted yes.

Christian

When Record No. 235 was taken, my vote failed to register. I would have voted no.

Deshotel

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business in the district:

Howard on motion of Pickett.

CSHB 1 - (consideration continued)

Amendment No. 29

Representative Dunnam offered the following amendment to **CSHB 1**:
Floor Packet Page No. 19

Amend **CSHB 1**, on page I-49, Office of the Governor, by striking Section 2. Designation of Exempt Positions in its entirety and renumber the remaining sections accordingly.

Representative Pickett moved to table Amendment No. 29.

A record vote was requested.

The motion to table prevailed by (Record 236): 84 Yeas, 52 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Driver; Eissler; Ellis; Flores; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Luna; Madden; Marchant; McCall; Mercer; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Seaman; Smith, T.; Smith, W.(C); Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Capelo; Castro; Chavez; Coleman; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Farabee; Farrar; Gallego; Garza; Geren; Giddings; Guillen; Gutierrez; Hochberg; Hodge; Homer; Hopson; Jones, D.; Jones, J.; Kuempel; Mabry; Martinez Fischer;

McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Solis; Telford; Thompson; Turner; Uresti; Wilson.

Present, not voting — Mr. Speaker.

Absent, Excused — Howard; Laney.

Absent — Canales; Lewis; McClendon; Oliveira; Peña; Riddle; Rose; Villarreal; Wise; Wolens.

Amendment No. 30

Representative Gallego offered the following amendment to **CSHB 1**:
Floor Packet Page No. 20

Amend **CSHB 1** as follows:

On page 23 Article I, Building and Procurement Commission, add Section 26. Paul C. Moreno State Office Building. The Building and Procurement Commission shall name the state office building in El Paso, Texas, the Paul C. Moreno State Office Building in honor of our colleague and friend, State Representative Paul C. Moreno.

Amendment No. 30 was withdrawn.

Amendment No. 31

Representative Dunnam offered the following amendment to **CSHB 1**:
Floor Packet Page No. 21

Amend **CSHB 1** as follows:

(1) On page I-29, add the following appropriately-numbered rider:

"_____. State Refunds for Economic Development. Notwithstanding any other provision of this Act or other law, no state funds, regardless of source, shall be used for to pay state refunds for economic development under Chapter 111, Tax Code."

(2) On page III-31, increase funding for Strategy A.3.1 Active Health by \$20 million for teacher health insurance.

Amendment No. 31 was withdrawn.

Amendment No. 32

Representative Naishtat offered the following amendment to **CSHB 1**:
Floor Packet Page No. 22

Amend **CSHB 1** as follows:

1) On page I-30, Comptroller of Public Accounts, add the following section and number it appropriately:

"Sec. _____. Improved Tax Compliance and Collections. In addition to the amounts appropriated above, there is hereby appropriated \$8,100,000 out of the general revenue fund for the biennium beginning September 1, 2003, to improve tax collections and compliance. The appropriation is contingent upon the Comptroller's certification that increased tax collections estimated to be

\$83,673,000 for the biennium would result from increased efforts to ensure tax compliance and collections and would result in a net gain estimated to be \$75,573,000 in the General Revenue Fund."

2) On page II-58, B.1.1., TANF Grants, increase the general revenue appropriation for "medically needy adults" by \$60.8 million for the biennium.

Amendment No. 33

Representative Naishtat offered the following amendment to Amendment No. 32:

Amend Amendment No. 32 to **CSHB 1** by Naishtat (amendment package page 22) by striking item (2) of the amendment and substituting:

(2) Following the Article II appropriations to the Health and Human Services Commission, add the following rider, numbered appropriately:

_____. **MEDICALLY NEEDY ADULTS PROGRAM.** The amount of \$60,800,000 is appropriated out of the general revenue fund to the Health and Human Services Commission for the purpose of restoring the medically needy adults program for the state fiscal biennium ending August 31, 2005.

Amendment No. 33 was adopted without objection.

(Speaker in the chair)

HCR 200 - ADOPTED

(by J. Davis, Eiland, Talton, Taylor, and Hochberg)

Representative J. Davis moved to suspend all necessary rules to take up and consider at this time **HCR 200**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 200, In memory of the crew of the space shuttle Columbia.

HCR 200 was read and was unanimously adopted by a rising vote.

On motion of Representative McReynolds, the names of all the members of the house were added to **HCR 200** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative J. Davis who introduced representatives from the Johnson Space Center.

CSHB 1 - (consideration continued)

Amendment No. 34

Representative Naishtat offered the following amendment to Amendment No. 32:

Amend Amendment No. 32 to **CSHB 1** by Naishtat (amendment package page 22) as follows:

(1) Strike item (1) of the amendment and substitute:

(1) On page I-50, Trusteed Programs Within the Office of the Governor, strike Strategy A.1.2. Disaster Funds and the appropriation of general revenue in the amount of \$7,000,000 in Fiscal Year 2004 and U.B. in Fiscal Year 2005 and renumber the remaining strategies accordingly.

(2) On page I-52, Trusteed Programs Within the Office of the Governor, add the following section and renumber the remaining sections accordingly:

"Sec. _____. Disaster Assistance. Notwithstanding other limitations on transfers of funds contained in this act, the governor is authorized to transfer funds between agencies and between strategies within an agency in order to respond immediately to events for which the governor has declared a State of Disaster by executive order or proclamation. A detailed list of the agencies and strategies from which funds are transferred under the authority of this rider shall be provided to the Legislative Budget Board and the Comptroller of Public Accounts.

(3) On page I-49, Office of the Governor, strike Section 5, Unexpended Balances Between Biennia, and renumber the remaining sections accordingly.

(4) On page I-53, Historical Commission, reduce the appropriation for Strategy A.1.2. Preservation Trust Fund by \$2,500,000 in general revenue for Fiscal Year 2004 and on page I-55, strike everything between the words "7. Preservation Trust Fund" and the words "Included in the amounts appropriated above".

(5) On page I-53, Historical Commission, reduce the general revenue appropriation in Strategy A.1.5. Courthouse Preservation by \$13,300,000 in Fiscal Year 2004.

(6) On page I-62, Department of Information Resources, reduce the general revenue appropriation for the biennium by \$2,908,275 and on page I-66, Section 9, strike the last sentence which reads "Included in the amounts appropriated above is \$2,908,275 in General Revenue Funds in this account for the purposes set forth above."

(7) On page I-79, Office of State-Federal Relations, reduce the general revenue appropriation for Goal A: Influence Federal Action by \$180,000 in each year of the biennium.

(8) Reduce the appropriation to the Soil and Water Conservation Board in Strategy A.1.2. Brush Control Assistance (page VI-42) by \$5,000,000 in the state fiscal year ending August 31, 2004, and by \$5,000,000 in the state fiscal year ending August 31, 2005.

(9) Following the Article X appropriations to the House of Representatives, Strike Rider No. 3 (page X-2).

(10) Following the Article X appropriations to the Texas Legislative Council, in Rider No. 2 (page X-4), strike "Any unexpended balances in the appropriations account of the Legislative Council as of August 31, 2004, are hereby appropriated to the Legislative Council for the fiscal year beginning September 1, 2004."

(2) Strike item (2) of the amendment and substitute:

(2) Following the Article II appropriations to the Health and Human Services Commission add the following appropriately numbered rider:

_____. **MEDICALLY NEEDY ADULTS.** The amount of \$60,800,000 is appropriated out of the general revenue fund to the Health and Human Services Commission to restore the medically needy adults program for the state fiscal biennium ending August 31, 2005.

Amendment No. 34 was adopted without objection.

(Woolley in the chair)

Representative Pickett moved to table Amendment No. 32.

A record vote was requested.

The motion to table prevailed by (Record 237): 96 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; Marchant; McCall; McClendon; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wolens; Wong; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Hochberg; Hodge; Hopson; Jones, J.; Lewis; Mabry; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal.

Present, not voting — Mr. Speaker; Woolley(C).

Absent, Excused — Howard; Laney.

Absent — Dukes; Homer; Wise.

Amendment No. 35

Representative Gallego offered the following amendment to **CSHB 1**:
Floor Packet Page No. 20

Amend **CSHB 1** as follows:

On page 23 Article I, Building and Procurement Commission, add Section 26. Paul C. Moreno State Office Building. The Building and Procurement Commission shall name the state office building in El Paso, Texas, the Paul C. Moreno State Office Building in honor of our colleague and friend, State Representative Paul C. Moreno.

Amendment No. 35 was adopted without objection.

Amendment No. 36

Representative Dunnam offered the following amendment to **CSHB 1**:

Floor Packet Page No. 21

Amend **CSHB 1** as follows:

(1) On page I-29, add the following appropriately-numbered rider:

"_____. State Refunds for Economic Development. Notwithstanding any other provision of this Act or other law, no state funds, regardless of source, shall be used for to pay state refunds for economic development under Chapter 111, Tax Code."

(2) On page III-31, increase funding for Strategy A.3.1 Active Health by \$20 million for teacher health insurance.

Representative Heflin moved to table Amendment No. 36.

A record vote was requested.

The motion to table prevailed by (Record 238): 83 Yeas, 55 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Ellis; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Heflin; Hegar; Hill; Hope; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberger; Luna; Madden; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Stick; Swinford; Talton; Taylor; Van Arsdale; West; Wilson; Wohlgemuth; Zedler.

Nays — Alonzo; Burnam; Capelo; Casteel; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Gutierrez; Hartnett; Hochberg; Hodge; Homer; Hopson; Jones, J.; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Solomons; Telford; Thompson; Truitt; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker; Woolley(C).

Absent, Excused — Howard; Laney.

Absent — Bailey; Canales; Geren; Haggerty; Hilderbran; Marchant; Wong.

STATEMENTS OF VOTE

When Record No. 238 was taken, my vote failed to register. I would have voted no.

Hilderbran

I was shown voting yes on Record No. 238. I intended to vote no.

T. Smith

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 15).

CSHB 1 - (consideration continued)**Amendment No. 37**

Representative Naishtat offered the following amendment to **CSHB 1**:
Floor Packet Page No. 23

Amend **CSHB 1** as follows:

1) On page I-30, Comptroller of Public Accounts, add the following section and number it appropriately:

"Sec. _____. Improved Tax Compliance and Collections. In addition to the amounts appropriated above, there is hereby appropriated \$8,100,000 out of the general revenue fund for the biennium beginning September 1, 2003, to improve tax collections and compliance. The appropriation is contingent upon the Comptroller's certification that increased tax collections estimated to be \$83,673,000 for the biennium would result from increased efforts to ensure tax compliance and collections and would result in a net gain estimated to be \$75,573,000 in the General Revenue Fund."

2) On page I-50, Trusteed Programs Within the Office of the Governor, strike Strategy A.1.2. Disaster Funds and the appropriation of general revenue in the amount of \$7,000,000 in Fiscal Year 2004 and U. B. in Fiscal Year 2005 and renumber the remaining strategies accordingly.

3) On page I-52, Trusteed Programs Within the Office of the Governor, add the following section and renumber the remaining sections accordingly:

"Sec. _____. Disaster Assistance. Notwithstanding other limitations on transfers of funds contained in this act, the governor is authorized to transfer funds between agencies and between strategies within an agency in order to respond immediately to events for which the governor has declared a State of Disaster by executive order or proclamation. A detailed list of the agencies and strategies from which funds are transferred under the authority of this rider shall be provided to the Legislative Budget Board and the Comptroller of Public Accounts.

4) On page I-49, Office of the Governor, strike Section 5, Unexpended Balances Between Biennia, and renumber the remaining sections accordingly.

5) On page I-53, Historical Commission, reduce the appropriation for Strategy A.1.2. Preservation Trust Fund by \$2,500,000 in general revenue for Fiscal Year 2004 and on page I-55, strike everything between the words "7. Preservation Trust Fund" and the words "Included in the amounts appropriated above".

6) On page I-53, Historical Commission, reduce the general revenue appropriation in Strategy A.1.5. Courthouse Preservation by \$13,300,000 in Fiscal Year 2004.

7) On page I-62, Department of Information Resources, reduce the general revenue appropriation for the biennium by \$2,908,275 and on page I-66, Section 9, strike the last sentence which reads "Included in the amounts appropriated above is \$2,908,275 in General Revenue Funds in this account for the purposes set forth above."

8) On page I-79, Office of State-Federal Relations, reduce the general revenue appropriation for Goal A: Influence Federal Action by \$180,000 in each year of the biennium.

9) On page II-54, Health and Human Services Commission, strike Section 45, Umbilical Cord Blood Bank, in its entirety.

10) Article II, Health and Human Services Commission, increase general revenue funding by these amounts:

1) \$47.5 million to maintain mail-in application and renewal for children's Medicaid;

2) \$107.3 million to maintain the asset test from Medicaid simplification.

Amendment No. 38

Representative Naishtat offered the following amendment to Amendment No. 37:

Amend Amendment No. 37 by Naishtat to **CSHB 1** (page 23, amendment packet) as follows:

(1) Strike Item 1 of the amendment and substitute the following:

(1) Reduce the Article V appropriations to the Department of Public Safety for Method of Financing: General Revenue Fund (page V-44), by \$20,000,000 for the state fiscal year ending August 31, 2004, and by \$20,000,000 for the state fiscal year ending August 31, 2005.

(2) Strike Items 9 and 10 of the amendment.

(3) Add the following appropriately numbered Items to the amendment and renumber subsequent Items accordingly:

_____. Reduce the Article VII appropriations to the Texas Department of Transportation for Method of Financing: State Highway Fund 006 (page VII-27), by \$20,000,000 for the state fiscal year ending August 31, 2004, and by \$20,000,000 for the state fiscal year ending August 31, 2005.

_____. Increase the appropriation to the Department of Public Safety from the State Highway Fund 006 by \$20,000,000 for the state fiscal year ending August 31, 2004, and by \$20,000,000 for the state fiscal year ending August 31, 2005.

_____. Increase the appropriation under Total: Goal B (page II-41) to the Health and Human Services Commission from general revenue by the amount of \$47.5 million for the purpose of maintaining the mail-in application and renewal process for children's Medicaid.

Amendment No. 38 was adopted without objection.

Representative Pickett moved to table Amendment No. 37.

A record vote was requested.

The motion to table prevailed by (Record 239): 94 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Farrar; Gallego; Garza; Giddings; Guillen; Gutierrez; Hochberg; Hodge; Homer; Hopson; Jones, J.; Mabry; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishat; Noriega; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker; Woolley(C).

Absent, Excused — Howard; Laney.

Absent — Hope; McClendon; Oliveira.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 781 - ADOPTED (by Bonnen)

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 781**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 781, Commemorating Angleton's Support the Troops rally on April 18 and 19, 2003.

HR 781 was adopted without objection.

HR 535 - ADOPTED (by R. Cook)

Representative R. Cook moved to suspend all necessary rules to take up and consider at this time **HR 535**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 535, Recognizing the 2003 Lee County Fair and State Noodle Cook-off.

HR 535 was adopted without objection.

CSHB 1 - (consideration continued)

Amendment No. 39

Representative Burnam offered the following amendment to **CSHB 1**:
Floor Packet Page No. 26

Amend Article I, **CSHB 1**, on page I-49, appropriations for the Office of the Governor, by adding a new rider to read as follows:

"9. Governor's Vehicle. Funds appropriated to the Office of the Governor may be used for the purchase, lease, operation, maintenance, or storage of motor vehicles used to transport the Governor only if the motor vehicles are hybrid electric vehicles (HEVs), as that term is defined by the Office of Transportation Technologies, U.S. Department of Energy."

Representative Pickett moved to table Amendment No. 39.

A record vote was requested.

The motion to table prevailed by (Record 240): 102 Yeas, 37 Nays, 2 Present, not voting.

Yeas — Allen; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Canales; Capelo; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Mabry; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Zedler.

Nays — Alonzo; Burnam; Castro; Chavez; Coleman; Davis, Y.; Dunnam; Dutton; Edwards; Farrar; Gallego; Giddings; Guillen; Hochberg; Hodge; Hopson; Jones, J.; Lewis; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Naishtat; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker; Woolley(C).

Absent, Excused — Howard; Laney.

Absent — King; McClendon; Moreno, P.; Noriega; Oliveira; Smithee.

STATEMENTS OF VOTE

I was shown voting no on Record No. 240. I intended to vote yes.

Giddings

I was shown voting no on Record No. 240. I intended to vote yes.

Guillen

I was shown voting no on Record No. 240. I intended to vote yes.

Hopson

I was shown voting no on Record No. 240. I intended to vote yes.

Lewis

I was shown voting no on Record No. 240. I intended to vote yes.

McReynolds

I was shown voting no on Record No. 240. I intended to vote yes.

Menendez

I was shown voting no on Record No. 240. I intended to vote yes.

Puente

Amendment No. 40

Representative Burnam offered the following amendment to **CSHB 1**:

Floor Packet Page No. 28

Amend **CSHB 1**, Article 1, Trusteed Programs within the Office of the Governor, on page I-52, by adding the following rider:

_____. Criminal Justice Funds. Out of funds appropriated in Strategy A.1.4. Criminal Justice, the governor shall allocate not less than \$1,400,000 in each year of the biennium to fund Community Youth Development Programs in Strategy A.1.7 At-Risk Prevention Services, Protective and Regulatory Services, page II-95.

Representative Turner moved to table Amendment No. 40.

A record vote was requested.

The motion to table prevailed by (Record 241): 104 Yeas, 38 Nays, 2 Present, not voting.

Yeas — Allen; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; McClendon; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Puente; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Wilson; Wohlgenuth; Wong; Zedler.

Nays — Alonzo; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Farrar; Gallego; Garza; Guillen; Hochberg; Jones, J.; Mabry; Martinez Fischer; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Quintanilla; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker; Woolley(C).

Absent, Excused — Howard; Laney.

Absent — Hardcastle; Oliveira; Smith, W.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 241. I intended to vote no.

Casteel

I was shown voting no on Record No. 241. I intended to vote yes.

Deshotel

When Record No. 241 was taken, I was in the house but away from my desk. I would have voted yes.

W. Smith

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

CSHB 1 - (consideration continued)

Amendment No. 41

Representative Burnam offered the following amendment to **CSHB 1**:
Floor Packet Page No. 29

Amend **CSHB 1**, Article 1, Trusteed Programs within the Office of the Governor, on page I-52, by adding the following rider:

_____. Criminal Justice Funds. Out of funds appropriated in Strategy A.1.4. Criminal Justice, the governor shall allocate not less than \$3,500,000 in each year of the biennium to fund the Services to At-Risk Youth (STAR) Program in Strategy A.1.7 At-Risk Prevention Services, Protective and Regulatory Services, page II-95.

Representative Turner moved to table Amendment No. 41.

A record vote was requested.

The motion to table prevailed by (Record 242): 105 Yeas, 39 Nays, 2 Present, not voting.

Yeas — Allen; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Edwards; Eissler; Elkins; Ellis; Farabee; Flynn; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton;

Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; McClendon; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Puente; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Zedler.

Nays — Alonzo; Burnam; Canales; Capelo; Casteel; Castro; Chavez; Coleman; Davis, Y.; Dunnam; Dutton; Eiland; Farrar; Gallego; Garza; Guillen; Hochberg; Jones, J.; Mabry; Martinez Fischer; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Quintanilla; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker; Woolley(C).

Absent, Excused — Howard; Laney.

Absent — Flores.

Amendment No. 42

Representative Burnam offered the following amendment to **CSHB 1**:

Floor Packet Page No. 27

Amend **CSHB 1**, Article 1, Trusteed Programs within the Office of the Governor, on page I-52, by adding the following rider:

_____. Criminal Justice Funds. Out of funds appropriated in Strategy A.1.4. Criminal Justice, the governor shall allocate not less than \$350,000 in each year of the biennium to fund Community Youth Development Programs in Strategy A.1.7 At-Risk Prevention Services, Protective and Regulatory Services, page II-95.

Representative Turner moved to table Amendment No. 42.

A record vote was requested.

The motion to table prevailed by (Record 243): 109 Yeas, 36 Nays, 2 Present, not voting.

Yeas — Allen; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; McClendon; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton;

Phillips; Pickett; Pitts; Puente; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Villarreal; West; Wohlgemuth; Wolens; Wong; Zedler.

Nays — Alonzo; Burnam; Canales; Capelo; Casteel; Castro; Chavez; Coleman; Davis, Y.; Dunnam; Dutton; Farrar; Gallego; Garza; Guillen; Hochberg; Jones, J.; Mabry; Martinez Fischer; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Quintanilla; Raymond; Rodriguez; Solis; Telford; Thompson; Uresti; Wilson; Wise.

Present, not voting — Mr. Speaker; Woolley(C).

Absent, Excused — Howard; Laney.

Amendment No. 43

Representative Hopson offered the following amendment to **CSHB 1**:

Floor Packet Page No. 24

Amend **CSHB 1** as follows:

1. On page I-40 of the bill pattern for the Employees Retirement System, insert the following new language:

5. State Contribution to Group Insurance for General State Employees.

Funds identified above for group insurance are intended to fund:

a. the total cost of the basic life and health coverage for all active and retired employees;

b. fifty percent of the total cost of health coverage for the spouses and dependent children of all active and retired employees who enroll in coverage categories which include a spouse and/or dependent children; and

In no event shall the total amount of state contributions allocated to fund coverage in an optional health plan exceed the actuarially determined total amount of state contributions that would be required to fund basic health coverage for those active employees and retirees who have elected to participate in that optional health plan.

During each fiscal year, the state's monthly contribution shall be determined by multiplying (1) the per capita monthly contribution as certified herein by (2) the total number of full-time active and retired employees enrolled for coverage during that month.

Each year, upon adoption of group insurance rates by the Board of Trustees, Employees Retirement System (ERS) must notify the Comptroller, the Legislative Budget Board, and the Governor of the per capita monthly contribution required in accordance with this rider for each full-time active and retired employee enrolled for coverage during the fiscal year.

It is the intent of the Legislature that the Employees Retirement System reduce provider payments by renegotiating contracts or implementing a program of selective contracting with certain providers participating in HealthSelect to reduce both high cost providers and other providers that will not hinder compliance with Texas Department of Insurance access to provider standards. Furthermore, it is the intent of the Legislature that the Employees Retirement

System control the cost of the group insurance program by not providing rate increases to health care providers participating in HealthSelect during the 2004-05 biennium.

In order to fund the Employees Retirement System (ERS) projected health plan costs for the 2004-05 Biennium, the Legislature directs the Employees Retirement System to reduce total health plan costs by \$499.9 million in All Funds and \$304.7 million in General Revenue. This reduction will be accomplished through benefit design changes made by the Employees Retirement System provided that these benefit design changes exclude mandatory use of mail order for maintenance medications. The Employees Retirement System is directed to replace the cost savings related to mandatory mail order for maintenance medications with other benefit design changes. It is the intent of the Legislature that the Employees Retirement System achieve this reduction, to the extent possible, with the least impact on participants.

Amendment No. 44

Representatives Hopson and B. Cook offered the following amendment to Amendment No. 43:

Amend Amendment No. 43 by Hopson to **CSHB 1** (page 24, amendment packet) by inserting the following between "with other benefit design changes" and the period:

"that shall include requiring that participants who choose to obtain the medications other than by mail order pay the additional costs of doing so".

Amendment No. 44 was adopted without objection.

Amendment No. 43, as amended, was adopted without objection.

Amendment No. 45

Representative Keel offered the following amendment to **CSHB 1**:
Floor Packet Page No. 32

Amend **CSHB 1** in Article 1 by adding the following appropriately numbered rider (on page I-52) following the appropriations to the trustee programs within the office of the governor:

____ The criminal justice division of the governor's office, from funds appropriated under this Act, may not award a grant under Section 772.006, Government Code, to a multijurisdictional drug task force.

Amendment No. 45 was adopted without objection. (Campbell, Christian, Ellis, Hamilton, Hardcastle, Hilderbran, Hopson, Hunter, D. Jones, J. Keffer, Kolkhorst, Phillips, and Rose recorded voting no)

Amendment No. 46

Representative Thompson offered the following amendment to **CSHB 1**:
Floor Packet Page No. 33

Amend **CSHB 1**, on page I-52, Trustee Programs Within the Office of the Governor by adding a new section as follows:

"Sec. _____. Criminal Justice Funds. Out of the funds appropriated above for narcotics task forces in Strategy A.1.4. Criminal Justice, the governor shall allocate: (a) not less than \$1,500,000 in Fiscal Year 2004 and not less than \$2,250,000 in Fiscal Year 2005 to fund existing drug courts; (b) not less than \$750,000 in Fiscal Year 2004 and \$1,500,000 in Fiscal Year 2005 to establish new drug courts; (c) not less than \$5.3 million for the biennium for state jail substance abuse programs at the Texas Department of Criminal Justice; (d) not less than \$11.4 million for the biennium for the Parole Field Referral Substance Abuse Program at the Texas Department of Criminal Justice; and (e) not less than \$22.2 million for the biennium for mental health services (Texas Council on Offenders with Mental Impairments). None of the remaining funds may be used to provide support of any kind to a regional or multi-jurisdictional narcotics task force.

(Speaker in the chair)

Amendment No. 47

On behalf of Representative Thompson, Representative Hochberg offered the following amendment to Amendment No. 46:

(1) Following "as follows" in Amendment No. 46, insert the following:

"Drug courts" means drug court programs as defined by Health and Safety Code Sec. 469.001.

(2) On page III-31, increase funding for Strategy A.3.1. Active Health by \$19 million for the biennium ending August 31, 2005.

Amendment No. 47 was adopted without objection.

Representative Turner moved to table Amendment No. 46.

A record vote was requested.

The motion to table prevailed by (Record 244): 95 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Edwards; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hughes; Hunter; Hupp; Isett; Jones, D.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Mabry; Madden; Marchant; McClendon; Mercer; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Puente; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Wilson; Wohlgenuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Dunnam; Dutton; Eiland; Farrar; Gallego; Garza; Guillen; Gutierrez; Haggerty; Hochberg; Hodge; Hope; Hopson; Jones, J.; Lewis; Martinez Fischer;

McCall; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Quintanilla; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Uresti; Villarreal; Wise.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Howard; Laney.

Absent — Burnam; Crownover; Jones, E.; Ritter; Stick; Wolens.

Amendment No. 48

Representative Eiland offered the following amendment to **CSHB 1**:
Floor Packet Page No. 35

Amend **CSHB 1** as follows:

On page I-54, reduce General Revenue funds for the Historical Commission by \$10,000,000 in 2004.

Amendment No. 49

Representative Eiland offered the following amendment to Amendment No. 48:

Amend Amendment No. 48 by Eiland to **CSHB 1** (page 35, amendment packet) as follows:

(2) Add the following to the end of the amendment:

Increase the Article II appropriations to the Department of Human Services for Strategy A.1.4 IN HOME & FAMILY SUPPORT by \$1.65 million for the state fiscal year ending August 31, 2004 and by \$1.65 million for the state fiscal year ending August 31, 2005.

Amendment No. 49 was withdrawn.

Amendment No. 50

Representative Eiland offered the following amendment to Amendment No. 48:

Amend Amendment No. 48 by Eiland to **CSHB 1** (page 35, amendment packet) as follows:

(2) Add the following to the end of the amendment:

Increase the Article II appropriations to the Department of Human Services for Strategy A.1.4 IN HOME & FAMILY SUPPORT by \$5.00 million for the state fiscal year ending August 31, 2004 and by \$5.00 million for the state fiscal year ending in August 31, 2005.

Amendment No. 50 was adopted without objection.

Representative Pickett moved to table Amendment No. 48.

(Corte in the chair)

A record vote was requested.

The motion to table prevailed by (Record 245): 86 Yeas, 51 Nays, 3 Present, not voting.

Yeas — Allen; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Marchant; McCall; Merritt; Miller; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Telford; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Gutierrez; Hochberg; Hodge; Homer; Hopson; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Solis; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker; Burnam; Corte(C).

Absent, Excused — Howard; Laney.

Absent — Baxter; Dukes; Jones, J.; Madden; Mercer; Morrison; Rose.

STATEMENT OF VOTE

When Record No. 245 was taken, my vote failed to register. I would have voted yes.

Baxter

Amendment No. 51

Representative Farrar offered the following amendment to **CSHB 1**:

Floor Packet Page No. 36

Amend **CSHB 1** as follows:

(1) In Article 1, add the following appropriately numbered rider under the appropriations to the Commission on Human Rights (page I-58):

_____. **Data Collected.** The Commission on Human Rights shall collect information on all complaints of discriminatory practices from persons claiming to be aggrieved by a discriminatory employment practice.

Amendment No. 52

Representative Farrar offered the following amendment to Amendment No. 51:

Amend Amendment No. 51 by Farrar to **CSHB 1** (amendment package page 36) on line 6, between "complaints" and "of discriminatory" by inserting "received by the commission".

Amendment No. 52 was adopted without objection.

Amendment No. 51, as amended, was adopted without objection.

Amendment No. 53

Representative Pitts offered the following amendment to **CSHB 1**:

Floor Packet Page No. 37

Amend **CSHB 1** as follows:

Required Action

On page I-60 of the bill pattern for the Department of Information Resources, add the following new rider:

Contingency for HB 2067. Contingent on passage of HB 2067, SB 1701 or similar legislation relating to the Department of Information Resources' management of certain electronic and telecommunications projects, by the Seventy-eighth Legislature, Regular Session, 2003 if the Legislative Budget Board (LBB) and the Governor approve the Department of Information Resources (DIR) proposal for funding a project or projects under Section 2055.101, Government Code, agencies shall pay DIR their share of funding for development of a business case and funding model and any costs associated with the planning, development and implementation for the project as identified by DIR.

State agencies shall use the services provided through the DIR as part of a designated consortia project based on a cost recovery model developed by the DIR. Agencies may not expend appropriated funds for services designated as a consortia project by the DIR.

Costs savings realized by the affected agencies from implementation of the approved project or projects shall be reported to the LBB and Governor by DIR.

Amendment No. 53 was adopted without objection.

Amendment No. 54

Representative Gallego offered the following amendment to **CSHB 1**:

Floor Packet Page No. 38

Amend **CSHB 1**, on page I-81, Office of State-Federal Relations, adding the following section:

"Sec. _____. None of the funds appropriate above may be spent for professional fees or services or consulting contracts with an individual or private firm to represent the state's interests or to communicate in any way with an elected official on behalf of the State of Texas.

Amendment No. 55

Representative Castro offered the following amendment to Amendment No. 54:

Amend Amendment No. 54 by Gallego to **CSHB 1** (amendment packet, page 38) by striking the language following "adding the following section:" and substituting the following:

Sec. _____. None of the funds appropriated above may be used for purposes of contracting with or hiring an outside consultant or lobbyist for the purpose of lobbying or otherwise contacting members of the United States Congress or the United States executive branch on behalf of the State of Texas. This prohibition does not apply to an individual who is a full-time employee of the State of Texas.

Amendment No. 55 was adopted without objection.

Representative Isett moved to table Amendment No. 54.

A record vote was requested.

The motion to table prevailed by (Record 246): 82 Yeas, 58 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Ellis; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Hope; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Lewis; Luna; Madden; Marchant; Mercer; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Stick; Swinford; Talton; Taylor; Van Arsdale; West; Wohlgemuth; Woolley; Zedler.

Nays — Alonzo; Bailey; Bonnen; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Hochberg; Hodge; Homer; Hopson; Kuempel; Mabry; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Solomons; Telford; Thompson; Truitt; Turner; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker; Corte(C).

Absent, Excused — Howard; Laney.

Absent — Capelo; Haggerty; Hilderbran; Jones, J.; Wong.

STATEMENT OF VOTE

When Record No. 246 was taken, my vote failed to register. I would have voted no.

Hilderbran

Amendment No. 56

Representative Stick offered the following amendment to **CSHB 1**:

Floor Packet Page No. 40

Amend **CSHB 1** in Article I of the bill by adding the following appropriately numbered rider following the appropriations to the office of the attorney general:

____. Recognition of License to Carry Concealed Handgun Issued by Another State. Contingent on the enactment and becoming law of House Bill 3477, or similar legislation by the 78th Legislature, Regular Session, relating to reciprocity agreements with other states concerning concealed handgun licenses, an amount sufficient to cover the cost to the attorney general of hiring 1.5 FTEs to perform the duties described by that legislation is transferred to the attorney general out of the appropriation to the Department of Public Safety for each fiscal year under strategy B.1.8 for concealed handgun licensing (page V-43).

Amendment No. 56 was adopted without objection.

Amendment No. 57

Representative Hilderbran offered the following amendment to **CSHB 1**:
Floor Packet Page No. 41

Amend **CSHB 1** in Article I of the bill by adding the following appropriately numbered rider following the appropriations to the Comptroller of Public Accounts:

____. Contingency Appropriation for **HB 2458**. Contingent upon the enactment of **HB 2458** or similar legislation relating to the collection and or allocation of the Texas motor fuels tax, by the 78th Legislature Regular Session, the Comptroller of Public Accounts, Strategy A.1.7. Lateral Road Fund District, is hereby increased to \$10,950,000 for fiscal year 2004, and \$14,600,000 for Fiscal year 2005.

Amendment No. 58

Representative Hilderbran offered the following amendment to Amendment No. 57:

Amend Amendment No. 57 by Hilderbran to **CSHB 1** (page 41, amendment package), by striking the text of the amendment and substituting the following:

Amend **CSHB 1** in Article IX of the bill by adding the following appropriately numbered subdivision to Section 11.29 of that article:

() Comptroller of Public Accounts: an additional \$10,950,000 for allocation to each county for payment of the construction and maintenance of county roads, contingent on enactment of **HB 2458** or similar legislation changing the point of collection of the motor fuels taxes, by the 78th Legislature, Regular Session, 2003;

Amendment No. 58 was adopted without objection.

Amendment No. 57, as amended, was adopted without objection.

Amendment No. 59

Representative Peña offered the following amendment to **CSHB 1**:

Floor Packet Page No. 43

Amend **CSHB 1** page VI-42 by reducing the general revenue appropriation in Strategy A.1.2. Brush Control Assistance by \$6,000,000 in 2004.

On page II-3, \$6,000,000 each year to Commission on Alcohol and Drug Abuse, A.1.1. Prevention Services.

Representative Campbell moved to table Amendment No. 59.

A record vote was requested.

The motion to table prevailed by (Record 247): 98 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Edwards; Eiland; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Dunnam; Dutton; Ellis; Farrar; Gallego; Garza; Giddings; Guillen; Gutierrez; Hochberg; Hodge; Homer; Martinez Fischer; McClendon; Menendez; Moreno, J.; Naishat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Solis; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker; Corte(C).

Absent, Excused — Howard; Laney.

Absent — Dukes; Flores; Jones, J.; McReynolds; Moreno, P.; Telford.

STATEMENT OF VOTE

I was shown voting no on Record No. 247. I intended to vote yes.

Homer

Amendment No. 60

Representative Solis offered the following amendment to **CSHB 1**:

Floor Packet Page No. 45

Amend **CSHB 1** as follows:

(1) Reduce the Article II appropriations to the Texas Department of Health for Strategy A.1.2., Food (Meat) & Drug Safety (page II-20), by \$500,000 for the state fiscal year ending August 31, 2004, and by \$500,000 for the state fiscal year ending August 31, 2005.

(2) Adjust totals and methods of financing appropriately.

Amendment No. 60 was withdrawn.

Amendment No. 61

Representative Chisum offered the following amendment to **CSHB 1**:

Floor Packet Page No. 46

Amend **CSHB 1** as follows:

(1) Increase the Article II appropriations to the Texas Department of Health for Strategy A.1.4, Radiation Control (page II-20), by \$323,000 for the state fiscal year ending August 31, 2004, and by \$323,000 for the state fiscal year ending August 31, 2005.

(2) Adjust totals and methods of financing appropriately.

Amendment No. 62

Representative Chisum offered the following amendment to Amendment No. 61:

Amend Amendment No. 61 (amendment packet, page 46) by Chisum to **CSHB 1** by striking the text of the amendment and substituting the following:

Amend **CSHB 1** by adding the following appropriately numbered Subdivision to Section 11.29 of the bill (Article IX, page 86):

(____) Texas Department of Health for Radiation Control: \$323,000 for the state fiscal year ending August 31, 2004, and \$323,000 for the state fiscal year ending August 31, 2005;

Amendment No. 62 was adopted without objection.

Amendment No. 61, as amended, was adopted without objection.

Amendment No. 63

Representative Hochberg offered the following amendment to **CSHB 1**:

Floor Packet Page No. 47

Amend **CSHB 1** as follows:

(1) On page I-62, Department of Information Resources, reduce Goal C: Telecommunications by \$2,980,275 in general revenue for the biennium.

(2) On page I-66, Department of Information Resources, Section 9, Telecommunications Revolving Account, strike the last sentence in the section which reads "Included in the amounts appropriated above is \$2,980,275 in General Revenue Funds in this account for the purposes set forth above."

(3) On page II-21, increase funding for Strategy A.3.2. Immunizations by \$2,980,275 for Immunization Funding.

Amendment No. 64

Representative Eiland offered the following amendment to Amendment No. 63:

Amend Amendment No. 63 by Hochberg to **CSHB 1** (page 47, amendment packet) by striking lines 10-11 and substituting the following:

(3) Increase the Article II appropriations to the Department of Human Services for Strategy A.1.4 IN HOME & FAMILY SUPPORT by \$1,490,138 for the state fiscal year ending August 31, 2004, and \$1,490,137 for the state fiscal year ending August 31, 2005, and adjust totals and methods of financing accordingly.

Amendment No. 64 was withdrawn.

SCR 43 - ADOPTED
(Eissler - House Sponsor)

Representative Eissler moved to suspend all necessary rules to take up and consider at this time **SCR 43**.

The motion prevailed without objection.

The following resolution was laid before the house:

SCR 43, Extolling the benefits of space flight and of the importance in maintaining its support to continue the legacy of the space shuttle Columbia and her crew.

(Laney now present)

SCR 43 was unanimously adopted by a rising vote.

CSHB 1 - (consideration continued)

Amendment No. 65

Representative Hochberg offered the following amendment to Amendment No. 63:

Amend Amendment No. 63 by Hochberg to **CSHB 1** (page 47 of the amendment packet) as follows:

(1) Strike lines 10 and 11 of the amendment and substitute the following:

(3) On page III-2, increase the appropriation for the year ending September 1, 2004, for Strategy A.2.4, Students with Disabilities, by \$2,980,275.

(4) On page III-16, in Rider 53 to the Texas Education Agency, by increasing the amount set aside for 2004 by \$2,980,275.

Amendment No. 65 was adopted without objection.

Amendment No. 63, as amended, was adopted without objection.

(Speaker in the chair)

Amendment No. 66

Representative Canales offered the following amendment to **CSHB 1**:
Floor Packet Page No. 48

Amend **CSHB 1** as follows:

(1) On page VI-42, by reducing the general revenue appropriation in Strategy A.1.2 Brush Control Assistance by \$6,460,424 in Fiscal Year 2004 and \$38,564 in Fiscal Year 2005.

(2) On page II-21, increase funding for Strategy A.3.2 Immunizations by \$6.5 million for Immunization Funding.

Amendment No. 67

Representative Canales offered the following amendment to Amendment No. 66:

Amend Amendment No. 66 on page 48 of the packet in **CSHB 1** as follows:

1). On page VI-42, by reducing the general revenue appropriation in Strategy A.1.2 Brush Control Assistance by ~~\$6,460,424~~ \$4,300,000 in FY 2004 and ~~\$38,564~~ in Fiscal Year 2005.

2.) On page II-21, increase funding for Strategy A.3.2 Immunizations by ~~\$6.5 million~~ \$2,150,000 for Immunization Funding in FY 2004 and \$2,150,000 in FY 2005.

Amendment No. 67 was adopted without objection.

Representative Pickett moved to table Amendment No. 66.

A record vote was requested.

The motion to table prevailed by (Record 248): 97 Yeas, 39 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Ellis; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Eiland; Farrar; Gallego; Garza; Giddings; Guillen; Hochberg; Martinez Fischer; Menendez; Moreno, J.; Naishtat; Noriega; Oliveira; Peña; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Solis; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Howard.

Absent — Dukes; Flores; Gutierrez; Hodge; Jones, J.; McCall; McClendon; Moreno, P.; Olivo; Rose; Telford.

STATEMENT OF VOTE

When Record No. 248 was taken, I was in the house but away from my desk. I would have voted no.

Olivo

Amendment No. 68

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 49

Amend **CSHB 1** as follows:

(1) On page I-50, Trusteed Programs Within the Office of the Governor, strike Strategy A.1.2. Disaster Funds and the funding for the strategy in the amount of \$5.4 million in Fiscal Year 2004 and U.B. in Fiscal Year 2005 and renumber the remaining strategies accordingly.

(2) On page I-52, Trusteed Programs Within the Office of the Governor, add the following section and renumber the remaining sections accordingly.

"Sec. _____. DISASTER ASSISTANCE. Notwithstanding other limitations on transfers of funds contained in this Act, the governor is authorized to transfer funds between agencies and between strategies within an agency in order to respond immediately to events for which the governor has declared a State of Disaster by executive order or proclamation. A detailed list of the agencies and strategies from which funds are transferred under the authority of this rider shall be provided to the Legislative Budget Board and the Comptroller of Public Accounts."

(3) On page II-21, increase funding for Strategy A.3.2. Immunizations by \$5.4 million for Immunization Funding.

Representative Pickett moved to table Amendment No. 68.

A record vote was requested.

The motion to table prevailed by (Record 249): 92 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgenuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Ellis; Farrar; Gallego; Garza; Giddings; Guillen; Hochberg; Homer; Hopson; Mabry; Martinez

Fischer; McReynolds; Menendez; Moreno, J.; Naishtat; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Howard.

Absent — Davis, J.; Flores; Gutierrez; Hodge; Jones, J.; Laney; McClendon; Moreno, P.; Noriega; Telford.

Amendment No. 69

Representative Martinez Fischer offered the following amendment to **CSHB 1**:

Floor Packet Page No. 50

Amend **CSHB 1** as follows:

(1) On page I-53, Historical Commission, Strategy A.1.5 Courthouse Preservation, by reducing the general revenue appropriation in Fiscal Year 2004 by \$13,300,000.

(2) On page II-21, increase funding for Strategy A.3.2 Immunizations by \$13.3 million for Immunization Funding.

Amendment No. 70

Representative Martinez Fischer offered the following amendment to Amendment No. 69:

Amend Amendment No. 69 by Martinez Fischer to **CSHB 1** (amendment packet, page 50) as follows:

(1) On page 1, line 4, strike "\$13,300,000" and substitute "\$5.4 million".

(2) On page 1, line 6, strike "13.3 million" and substitute "\$5.4 million for biennium".

Amendment No. 70 was adopted without objection.

Representative Truitt moved to table Amendment No. 69.

A record vote was requested.

The motion to table prevailed by (Record 250): 89 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Ellis; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; Marchant; McCall; Mercer; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Farrar; Gallego; Garza; Giddings; Guillen; Gutierrez; Hochberg; Homer; Hopson; Lewis; Mabry; Martinez Fischer; McReynolds; Menendez; Merritt; Moreno, J.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Solis; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C); Burnam.

Absent, Excused — Howard.

Absent — Casteel; Christian; Flores; Hodge; Jones, J.; Keffer, J.; Laney; McClendon; Moreno, P.; Smithee; Telford.

STATEMENT OF VOTE

When Record No. 250 was taken, my vote failed to register. I would have voted yes.

Casteel

Amendment No. 71

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 51

Amend **CSHB 1**:

(1) On page I-49, Office of the Governor, by striking Section 5, Unexpended Balances Between Biennia, and by renumbering the remaining sections accordingly.

(2) On page II-21, increase funding for Strategy A.3.2. Immunizations by \$850,000 for Immunization Funding.

Amendment No. 71 was withdrawn.

Amendment No. 72

Representative Rodriguez offered the following amendment to **CSHB 1**:
Floor Packet Page No. 54

Amend **CSHB 1** as follows:

On page VI-42, Strategy A.1.2 Brush Control Assistance, reduce the amount by \$4,000,000 in Fiscal Year 2004.

On page II-21, A.3.5. Strategy (TOBACCO EDUCATION AND PREVENTION), increase the amount by \$2,000,000 in each year.

Amendment No. 72 was withdrawn.

Amendment No. 73

Representative Rodriguez offered the following amendment to **CSHB 1**:
Floor Packet Page No. 55

Amend **CSHB 1** as follows:

On page VI-42, Strategy A.1.2 Brush Control Assistance, reduce the amount by \$7,000,000 in Fiscal Year 2004.

On page II-21, A.3.5. Strategy (HIV & STD Education and Services), increase the amount by \$3,500,000 in each year.

Representative Wohlgenuth moved to table Amendment No. 73.

A record vote was requested.

The motion to table prevailed by (Record 251): 105 Yeas, 33 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Gallego; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Mabry; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; West; Wilson; Wohlgenuth; Wong; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Dunnam; Dutton; Farrar; Garza; Guillen; Hochberg; Hopson; Lewis; Martinez Fischer; Menendez; Moreno, J.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Solis; Telford; Turner; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Howard.

Absent — Dukes; Giddings; Hodge; Jones, J.; McClendon; Moreno, P.; Smith, W.; Villarreal; Woolley.

Amendment No. 74

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 56

Amend **CSHB 1** as follows:

(1) On page VI-5, Department of Agriculture, amend Section 14. Appropriation: GO TEXAN Partner Program, between the words "\$2,000,000" and the words "to be transferred" by deleting the words "in General Revenue" and inserting the words "from the Hotel Occupancy Tax Deposits Account No. 5003".

(2) On page II-23, increase funding for Strategy D.1.3 Special Needs Children by \$2 million for Children w/ Special Health Care Needs.

Representative Hardcastle moved to table Amendment No. 74.

A record vote was requested.

The motion to table prevailed by (Record 252): 99 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Edwards; Eissler; Elkins; Ellis; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Mabry; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Dunnam; Dutton; Eiland; Farrar; Garza; Giddings; Guillen; Hochberg; Hodge; Jones, J.; Lewis; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Morrison; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Howard.

Absent — Dukes; Flores; Gallego; Gutierrez; Hopson.

Amendment No. 75

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 57

Amend **CSHB 1** as follows:

(1) On page VI-1, Texas Department of Agriculture, by reducing the general revenue appropriation for Strategy A.1.3. Integrated Pest Management by \$10,000,000 in Fiscal Year 2004 and \$10,000,000 in Fiscal Year 2005.

(2) On page II-23, increase funding for Strategy D.1.3. Special Needs Children by \$20,000,000 for Children With Special Health Care Needs.

(Crownover in the chair)

Representative Hardcastle moved to table Amendment No. 75.

A record vote was requested.

The motion to table prevailed by (Record 253): 102 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover(C); Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Ellis; Farabee; Flynn; Gattis; Geren; Goodman;

Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Mowery; Nixon; Oliveira; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Stick; Swinford; Talton; Taylor; Telford; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Farrar; Gallego; Garza; Giddings; Guillen; Hochberg; Hodge; Jones, J.; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Morrison; Naishtat; Noriega; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Solis; Thompson; Turner; Uresti; Villarreal; Wise.

Present, not voting — Mr. Speaker.

Absent, Excused — Howard.

Absent — Edwards; Flores; Gutierrez; Laney; Smithee.

Amendment No. 76

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 58

Amend **CSHB 1**:

(1) On page I-49, Office of the Governor, by striking Section 5, Unexpended Balances Between Biennia, and by renumbering the remaining sections accordingly.

(2) On page II-23, increase funding for Strategy D.1.3. Special Needs Children by \$850,000 for Children with Special Health Care Needs.

Amendment No. 76 was withdrawn.

Amendment No. 77

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 59

Amend **CSHB 1** as follows:

(1) On page I-50, Trusteed Programs Within the Office of the Governor, strike Strategy A.1.2. Disaster Funds and the funding for the strategy in the amount of \$7 million in Fiscal Year 2004 and U. B. in Fiscal Year 2005 and renumber the remaining strategies accordingly.

(2) On page I-52, Trusteed Programs Within the Office of the Governor, add the following section and renumber the remaining sections accordingly.

"Sec. _____. DISASTER ASSISTANCE. Notwithstanding other limitations on transfers of funds contained in this Act, the governor is authorized to transfer funds between agencies and between strategies within an agency in order to respond immediately to events for which the governor has declared a State of Disaster by executive order or proclamation. A detailed list of the agencies and

strategies from which funds are transferred under the authority of this rider shall be provided to the Legislative Budget Board and the Comptroller of Public Accounts."

(3) On page II-23, increase funding for Strategy D.1.3. Special Needs Children by \$7 million for Children with Special Health Care Needs.

Amendment No. 77 was withdrawn.

Amendment No. 78

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 60

Amend **CSHB 1** as follows:

(1) On page VI-23, under the Method of Financing, by reducing the appropriation from the general revenue fund by \$5,000,000 for each year of the biennium and by increasing the appropriation from the Coastal Protection Account No. 027 by \$5,000,000 for each year of the biennium.

(2) On page II-23, increase funding for Strategy D.1.3. Special Needs Children by \$10,000,000 for Children With Special Health Care Needs.

Amendment No. 78 was withdrawn.

Amendment No. 79

Representative Naishtat offered the following amendment to **CSHB 1**:

Floor Packet Page No. 61

Amend **CSHB 1**, on page I-53, Historical Commission, Strategy A.1.5. Courthouse Preservation, by reducing the general revenue appropriation in Fiscal Year 2004 by \$9,700,000 and on page II-23 by increasing the general revenue appropriation for the Children With Special Health Care Needs Program, Strategy D.1.3. by \$9,700,000.

Representative Wohlgemuth moved to table Amendment No. 79.

A record vote was requested.

The motion to table prevailed by (Record 254): 96 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Ellis; Flores; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Kuempel; Laubenberg; Luna; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; Eiland; Farabee; Gallego; Garza; Giddings; Guillen; Hochberg; Hodge; Homer; Jones, J.; Laney; Lewis; Mabry; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Quintanilla; Raymond; Rodriguez; Solis; Telford; Thompson; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker; Crownover(C).

Absent, Excused — Howard.

Absent — Dukes; Farrar; Krusee; Puente; Turner.

STATEMENT OF VOTE

When Record No. 254 was taken, I was in the house but away from my desk. I would have voted no.

Puente

Amendment No. 80

Representatives Coleman and Naishtat offered the following amendment to **CSHB 1**:

Floor Packet Page No. 62

Amend **CSHB 1** as follows:

(1) On page VI-42, by reducing the general revenue appropriation in Strategy A.1.2 Brush Control Assistance by \$6,460,424 in Fiscal Year 2004 and \$38,564 in Fiscal Year 2005.

(2) On page II-23, increase funding for Strategy D.1.3 Special Needs Children by \$6.5 million for Children w/ Special Health Care Needs.

Amendment No. 80 was withdrawn.

Amendment No. 81

Representative Castro offered the following amendment to **CSHB 1**:

Floor Packet Page No. 63

Amend **CSHB 1** as follows:

(1) On page I-79, Office of State-Federal Relations, by reducing the general revenue appropriation of Goal A: Influence Federal Action by \$180,000 in Fiscal Year 2004 and \$180,000 in Fiscal Year 2005.

(2) On page II-23, increase funding for Strategy D.1.3. Special Needs Children by \$360,000 for Children With Special Health Care Needs.

Amendment No. 81 was withdrawn.

Amendment No. 82

Representative Hochberg offered the following amendment to **CSHB 1**:

Floor Packet Page No. 64

Amend **CSHB 1** as follows:

(1) On page I-62, Department of Information Resources, reduce Goal C: Telecommunications by \$2,980,275 in general revenue for the biennium.

(2) On page I-66, Department of Information Resources, Section 9, Telecommunications Revolving Account, strike the last sentence in the section which reads "Included in the amounts appropriated above is \$2,980,275 in General Revenue Funds in this account for the purposes set forth above."

(3) On page II-23, increase funding for Strategy D.1.3. Special Needs Children by \$2,980,275 for Children with Special Health Care Needs.

Amendment No. 82 was withdrawn.

Amendment No. 83

Representative Martinez Fischer offered the following amendment to **CSHB 1**:

Floor Packet Page No. 65

Amend **CSHB 1** as follows:

(1) On page I-53, Historical Commission, Strategy A.1.5 Courthouse Preservation, by reducing the general revenue appropriation in Fiscal Year 2004 by \$13,300,000.

(2) On page II-23, increase funding for Strategy D.1.3 Special Needs Children by \$13.3 million for Children w/ Special Health Care Needs.

Amendment No. 83 was withdrawn.

Amendment No. 84

Representative Noriega offered the following amendment to **CSHB 1**:

Floor Packet Page No. 66

On page II-23, Article II, Department of Health, amend Section D.2.1. Strategy: Community Health Services, by adding the following:

"Hospital Districts may provide health care services to residents of their district pursuant to 8 U. S. C. Section 1621(d)."

Amendment No. 84 was withdrawn.

Amendment No. 85

Representative Thompson offered the following amendment to **CSHB 1**:

Floor Packet Page No. 69

Amend **CSHB 1** on page II-30 by striking Limitation on Expenditures No. 9 and renumbering subsequent Limitations on Expenditures.

Amendment No. 85 was withdrawn.

Amendment No. 86

Representatives Coleman, Y. Davis, Deshotel, Gallego, Hochberg, Canales, Thompson, and Dunnam offered the following amendment to **CSHB 1**:

Floor Packet Page No. 70

Amend **CSHB 1** as follows:

1) On page II-41, Health and Human Services Commission, increase the general revenue funding for Goal C: Insure Children by \$210,000,000 to restore the CHIP program.

2) On page I-30, Comptroller of Public Accounts, add the following section and number it appropriately:

"Sec. _____. Improved Tax Compliance and Collections. In addition to the amounts appropriated above, there is hereby appropriated \$8,100,000 out of the general revenue fund for the biennium beginning September 1, 2003, to improve tax collections and compliance. The appropriation is contingent upon the Comptroller's certification that increased tax collections estimated to be \$83,673,000 for the biennium would result from increased efforts to ensure tax compliance and collections and would result in a net gain estimated to be \$75,573,000 in the General Revenue Fund."

3) On page I-50, Trusted Programs Within the Office of the Governor, strike Strategy A.1.2. Disaster Funds and the appropriation of general revenue in the amount of \$7,000,000 in Fiscal Year 2004 and U.B. in Fiscal Year 2005 and renumber the remaining strategies accordingly.

4) On page I-52, Trusted Programs Within the Office of the Governor, add the following section and renumber the remaining sections accordingly:

"Sec. _____. Disaster Assistance. Notwithstanding other limitations on transfers of funds contained in this act, the governor is authorized to transfer funds between agencies and between strategies within an agency in order to respond immediately to events for which the governor has declared a State of Disaster by executive order or proclamation. A detailed list of the agencies and strategies from which funds are transferred under the authority of this rider shall be provided to the Legislative Budget Board and the Comptroller of Public Accounts.

5) On page I-49, Office of the Governor, strike Section 5, Unexpended Balances Between Biennia, and renumber the remaining sections accordingly.

6) On page I-53, Historical Commission, reduce the appropriation for Strategy A.1.2. Preservation Trust Fund by \$2,500,000 in general revenue for Fiscal Year 2004 and on page I-55, strike everything between the words "7. Preservation Trust Fund" and the words "Included in the amounts appropriated above".

7) On page I-53, Historical Commission, reduce the general revenue appropriation in Strategy A.1.5. Courthouse Preservation by \$13,300,000 in Fiscal Year 2004.

8) On page I-62, Department of Information Resources, reduce the general revenue appropriation for the biennium by \$2,908,275 and on page I-66, Section 9, strike the last sentence which reads "Included in the amounts appropriated above is \$2,908,275 in General Revenue Funds in this account for the purposes set forth above."

9) On page I-79, Office of State-Federal Relations, reduce the general revenue appropriation for Goal A: Influence Federal Action by \$180,000 in each year of the biennium.

10) On page II-54, Health and Human Services Commission, strike Section 45, Umbilical Cord Blood Bank, in its entirety.

11) On -72, University of Texas at Permian Basin, strike special item Strategy C.4.2, Total Funding Hold Harmless by \$1,095,000 in each year of the biennium.

12) On page VI-1, Texas Department of Agriculture, reduce the general revenue appropriation for the boll weevil program in Strategy A.1.3. Integrated Pest Management by \$10,000,000 in Fiscal Year 2004 and \$10,000,000 in Fiscal Year 2005.

13) On page VI-5, Article VI, Department of Agriculture, amend Section 14. Appropriation: GO TEXAN Partner Program, between the words "\$2,000,000" and the words "to be transferred" strike the words "in General Revenue" and insert the words "from the Hotel Occupancy Tax Deposits Account No. 5003".

14) On page VI-42, Soil and Water Conservation Board, reduce the general revenue appropriation in Strategy A.1.2. Brush Control Assistance by \$6,460,424 in Fiscal Year 2004 and \$38,564 in Fiscal Year 2005.

15) On page IX-28, Section 11.28, after the words "Capital Budget Reductions" strike the remainder of that paragraph beginning with the words "- Intent of the Legislature" and ending with the words "for reduction consideration:" and substitute the following language in lieu thereof:

"The general revenue funds appropriated elsewhere in this act for the capital budget items listed below are hereby reduced in the amount specified for the 2004-2005 biennium."

16) On page X-2, House of Representatives, strike Rider #3, Unexpended Balances.

17) On page X-4, Legislative Council, Rider #2, after the words "Unexpended Balances" strike the first paragraph beginning with the words "Any unexpended balances as of August 31, 2003" and ending with the words "appropriation to the Council."

(Speaker in the chair)

Representative Pickett moved to table Amendment No. 86.

A record vote was requested.

The motion to table prevailed by (Record 255): 93 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; Marchant; McCall; Mercer; Merritt;

Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Ellis; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Gutierrez; Hochberg; Hodge; Hopson; Jones, J.; Laney; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Howard.

Absent — Villarreal.

Amendment No. 87

Representative Thompson offered the following amendment to **CSHB 1**:
Floor Packet Page No. 69

Amend **CSHB 1** on page II-30 by striking Limitation on Expenditures No. 9 and renumbering subsequent Limitations on Expenditures.

Representative Wohlgemuth moved to table Amendment No. 87.

A record vote was requested.

The motion to table prevailed by (Record 256): 106 Yeas, 39 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Eiland; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Gallego; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; McClendon; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Olivo; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Farrar; Garza; Guillen; Gutierrez; Hochberg; Hodge; Jones, J.; Laney; Mabry; Martinez Fischer; Moreno, J.; Moreno, P.; Naishtat; Noriega; Peña; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Howard.

Absent — Giddings; Menendez.

Amendment No. 88

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 73

Amend **CSHB 1**, on page II-35, Department of Health, by striking Section 37 in its entirety and by renumbering the remaining sections accordingly.

Amendment No. 88 was withdrawn.

Amendment No. 89

Representatives Farrar and Hodge offered the following amendment to **CSHB 1**:

Floor Packet Page No. 76

Amend **CSHB 1** as follows:

(1) On page VI-42, by reducing the general revenue appropriation in Strategy A.1.2 Brush Control Assistance by \$6,460,424 in Fiscal Year 2004 and \$38,564 in Fiscal Year 2005.

(2) On page II-40, increase funding for Strategy B.2.3 Premiums: Pregnant Women by \$6.5 million for Medicaid for Pregnant Women.

Amendment No. 90

Representative Hodge offered the following amendment to Amendment No. 89:

Amend Amendment No. 89 by Farrar and Hodge to **CSHB 1** (amendment package page 76) as follows:

(1) On line 4, strike "\$6,460,424" and substitute "\$4,300,000".

(2) On line 6, strike "\$6.5 million for Medicaid for Pregnant Women." and substitute "\$4,338,564 for Medicaid for Pregnant Women for the state fiscal biennium ending August 31, 2005".

(Talton in the chair)

Amendment No. 90 was adopted without objection.

Representative Wohlgemuth moved to table Amendment No. 89.

A record vote was requested.

The motion to table prevailed by (Record 257): 99 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hopson;

Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Mabry; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Stick; Swinford; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Ellis; Farrar; Gallego; Garza; Giddings; Guillen; Hochberg; Hodge; Jones, J.; Laney; Lewis; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise.

Present, not voting — Mr. Speaker; Talton(C).

Absent, Excused — Howard.

Absent — Flores; Smithee.

Amendment No. 91

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 77

Amend **CSHB 1** as follows:

(1) On page I-50, Trusteed Programs Within the Office of the Governor, strike Strategy A.1.2. Disaster Funds and the funding for the strategy in the amount of \$7 million in Fiscal Year 2004 and U.B. in Fiscal Year 2005 and renumber the remaining strategies accordingly.

(2) On page I-52, Trusteed Programs Within the Office of the Governor, add the following section and renumber the remaining sections accordingly.

"Sec. _____. DISASTER ASSISTANCE. Notwithstanding other limitations on transfers of funds contained in this Act, the governor is authorized to transfer funds between agencies and between strategies within an agency in order to respond immediately to events for which the governor has declared a State of Disaster by executive order or proclamation. A detailed list of the agencies and strategies from which funds are transferred under the authority of this rider shall be provided to the Legislative Budget Board and the Comptroller of Public Accounts."

(3) On page II-40, increase funding for Strategy B.2.3. Premiums: Pregnant Women by \$7 million for Medicaid for Pregnant Women.

Representative Wohlgemuth moved to table Amendment No. 91.

A record vote was requested.

The motion to table prevailed by (Record 258): 91 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Delisi; Denny; Driver; Dukes; Edwards; Eissler;

Elkins; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Luna; Madden; Marchant; McCall; McClendon; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Stick; Swinford; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dunnam; Dutton; Eiland; Ellis; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Gutierrez; Hochberg; Hodge; Jones, J.; Laney; Lewis; Mabry; Martinez Fischer; Menendez; Moreno, J.; Moreno, P.; Naishtat; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker; Talton(C).

Absent, Excused — Howard.

Absent — Dawson; Grusendorf; Hope; Laubenberg; Noriega; Smithee.

STATEMENT OF VOTE

When Record No. 258 was taken, I was in the house but away from my desk. I would have voted no.

Noriega

Amendment No. 92

Representative Castro offered the following amendment to **CSHB 1**:

Floor Packet Page No. 79

Amend **CSHB 1** as follows:

(1) On page I-79, Office of State-Federal Relations, by reducing the general revenue appropriation of Goal A: Influence Federal Action by \$180,000 in Fiscal Year 2004 and \$180,000 in Fiscal Year 2005.

(2) On page II-40, increase funding for Strategy B.2.3. Premiums: Pregnant Women by \$360,000 for Medicaid for Pregnant Women.

Amendment No. 92 was withdrawn.

Amendment No. 93

On behalf of Representative Coleman, Representative Thompson offered the following amendment to **CSHB 1**:

Floor Packet Page No. 78

Amend **CSHB 1**:

(1) On page I-49, Office of the Governor, by striking Section 5, Unexpended Balances Between Biennia, and by renumbering the remaining sections accordingly.

(2) On page II-40, increase funding for Strategy B.2.3. Premiums: Pregnant Women by \$850,000 for Medicaid for Pregnant Women.

(Berman in the chair)

Representative Hupp moved to table Amendment No. 93.

A record vote was requested.

The motion to table prevailed by (Record 259): 95 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman(C); Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; Marchant; McCall; Mercer; Miller; Morrison; Mowery; Nixon; Oliveira; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Ellis; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Hochberg; Hodge; Jones, J.; Laney; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise.

Present, not voting — Mr. Speaker.

Absent, Excused — Howard.

Absent — Davis, J.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

CSHB 1 - (consideration continued)

Amendment No. 94

On behalf of Representative Hochberg, Representative Y. Davis offered the following amendment to **CSHB 1**:

Floor Packet Page No. 80

Amend **CSHB 1** as follows:

(1) On page I-62, Department of Information Resources, reduce Goal C: Telecommunications by \$2,980,275 in general revenue for the biennium.

(2) On page I-66, Department of Information Resources, Section 9, Telecommunications Revolving Account, strike the last sentence in the section which reads "Included in the amounts appropriated above is \$2,980,275 in General Revenue Funds in this account for the purposes set forth above."

(3) On page II-40, increase funding for Strategy B.2.3. Premiums: Pregnant Women by \$2,980,275 for Medicaid for Pregnant Women.

Amendment No. 94 was withdrawn.

Amendment No. 95

Representatives Hodge and Canales offered the following amendment to **CSHB 1**:

Floor Packet Page No. 81

Amend **CSHB 1** as follows:

(1) On page VI-26, Trusteed Programs within the General Land Office, Strategy B.1.1. Purchase of Land for PSF, by reducing the appropriation by \$37,500,000 in Fiscal Year 2004 and \$37,500,000 in Fiscal Year 2005.

(2) On page II-40, increase funding for Strategy B.2.3 Premiums: Pregnant Women by \$37.5 million for Medicaid for Pregnant Women.

Amendment No. 96

Representative Hodge offered the following amendment to Amendment No. 95:

Amend Amendment No. 95 by Hodge to **CSHB 1** (amendment package page 81) by striking lines 2 through 8 of the amendment and substituting the following:

In Article IX of the bill, Section 11.29, add the following appropriately numbered subdivision and renumber the subsequent subdivisions appropriately:

() Health and Human Services for medically necessary health care to Medicaid eligible pregnant women: \$87,300,000.

Amendment No. 96 was adopted without objection.

SCR 42 - ADOPTED **(Naishtat - House Sponsor)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **SCR 42**.

The motion prevailed without objection.

The following resolution was laid before the house:

SCR 42, Declaring that all state departments and agencies be closed for a half day, emergency services excepted, beginning at noon on Friday, April 18, 2003.

SCR 42 was adopted without objection.

CSHB 1 - (consideration continued)**Amendment No. 96 - Vote Reconsidered**

Representative Hodge moved to reconsider the vote by which Amendment No. 96 was adopted.

The motion to reconsider prevailed.

Amendment No. 96 was withdrawn.

Amendment No. 95 was withdrawn.

Amendment No. 97

Representative Hodge offered the following amendment to **CSHB 1**:
Floor Packet Page No. 343

Amend **CSHB 1** as follows:

(1) On page III-19, add the following new rider:

"69. Additional State Aid for Ad Valorem Tax Credits Under Texas Economic Development Act. Notwithstanding any other provision of this Act or other law, no funds appropriate to the Texas Education Agency by this Act shall be used for state aid for tax credits credited against ad valorem taxes of a school district under Subchapter D, Chapter 313, Tax Code.

(2) On page II-40, increase funding for Strategy B.2.3 Premiums: Pregnant Women by \$49.8 million for Medicaid for Pregnant Women.

Amendment No. 98

Representative Hodge offered the following amendment to Amendment No. 97:

Amend Amendment No. 97 by Hodge to **CSHB 1** (amendment package page 343) by striking lines 2 through 11 of the amendment and substituting the following:

In Article IX of the bill, Section 11.29, add the following appropriately numbered subdivision and renumber the subsequent subdivisions appropriately:

() Health and Human Services for medically necessary health care to Medicaid eligible pregnant women: \$87,300,000.

Amendment No. 98 was withdrawn.

SCR 44 - ADOPTED
(Hamric - House Sponsor)

Representative Hamric moved to suspend all necessary rules to take up and consider at this time **SCR 44**.

The motion prevailed without objection.

The following resolution was laid before the house:

SCR 44, Providing that each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, April 16, 2003, and ending on Tuesday, April 22, 2003.

SCR 44 was adopted without objection.

CSHB 1 - (consideration continued)

Amendment No. 99

Representative Hodge offered the following amendment to Amendment No. 97:

Amend Amendment No. 97 by Hodge to **CSHB 1** (amendment package page 343) by striking lines 2 through 8 of the amendment and substituting the following:

In Article IX of the bill, Section 11.29, add the following appropriately numbered subdivision and renumber the subsequent subdivisions appropriately:

() Health and Human Services for medically necessary health care to Medicaid eligible pregnant women: \$87,300,000.

Amendment No. 99 was adopted without objection.

Amendment No. 97, as amended, was adopted without objection.

Amendment No. 100

Representative Martinez Fischer offered the following amendment to **CSHB 1**:

Floor Packet Page No. 82

Amend **CSHB 1** as follows:

(1) On page I-53, Historical Commission, Strategy A.1.5 Courthouse Preservation, by reducing the general revenue appropriation in Fiscal Year 2004 by \$13,300,000.

(2) On page II-40, increase funding for Strategy B.2.3 Premiums: Pregnant Women by \$2.5 million for Medicaid for Pregnant Women.

Amendment No. 100 was withdrawn.

Amendment No. 101

Representative Capelo offered the following amendment to **CSHB 1**:

Floor Packet Page No. 83

Amend **CSHB 1** as follows: Fully fund the Children's Health Insurance Program to 200% FLP with full benefits for children 0-12, reduced benefits for children 13-18, 6 month continuous eligibility, increased co-pays and premiums and a 90 day waiting period for enrollment by including 67,500,000 in Article II and striking the following:

	2004	2005
Article I Local Government		
Aircraft Pooling Board	3,741,068	3,660,494

Building and Procurement Commission		
A.1.4. Strategy. Travel Procurement	190,730	190,730
D.2.1. Strategy. Surplus Property	428,887	428,887
Mgt Comptroller of Public Accounts		
B.5.1. Strategy. Fiscal Research & Studies	2,535,013	2,535,013
Trusteed Programs within Office of Governor		
A.1.5. Strategy. Film and Music Marketing	338,253	338,254
A.1.6. Strategy. Disability Issues	334,411	334,409
Historical Commission		
A.1.4. Strategy. Evaluate/Interpret Resources	1,000,000	500,000
A.2.1. Strategy. Development Assistance	2,672,609	2,081,911
Texas Incentive and Productivity Commission	228,233	211,233
Library & Archives Commission		
A.1.1. Strategy. Library Resource Sharing Svcs	5,000,000	5,000,000
Pension Review Board	269,702	308,062
Preservation Board		
A.2.2. Strategy. Manage State History Museum	2,000,000	2,000,000
	-----	-----
	21,639,130	17,889,993
Strike in Article II		
Article II Health and Human Services Department of Human Services		
Eliminate Fingerprint Imaging for Food Stamps	13,000,000	13,000,000
	-----	-----
	13,000,000	13,000,000
Strike in Article V1		

Department of Agriculture			
B.1.1. Strategy.	1,000,000		1,000,000
Nursery/Floral Regulation			

Total savings for Biennium			67,529,723
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Amendment No. 102

Representative Capelo offered the following amendment to Amendment No. 101:

Amend the Capelo Amendment on page 83 of the packet to **CSHB 1** by striking the following:

Historical Commission			
A.1.4. Strategy.	1,000,000	500,000	
Evaluate/Interpret Resources			

Strike in Article II

Article II Health and Human Services			
Department of Human Services			
Eliminate Fingerprinting Imaging for Food Stamps	13,000,000	13,000,000"	

and replacing it with the following:

"Texas Department of Insurance			
Require Medicaid & CHIP HMO's to pay a premium tax	15,450,000	15,450,000"	

Amend total to reflect changes above:

Total savings for the Biennium			70,929,723
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(Howard now present)

Amendment No. 102 was adopted without objection.

Representative Pickett moved to table Amendment No. 101.

A record vote was requested.

The motion to table prevailed by (Record 260): 89 Yeas, 55 Nays, 3 Present, not voting.

Yeas — Allen; Baxter; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dutton; Edwards; Eissler; Elkins; Farrar; Flores; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Hamric; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; Marchant; McCall; McClendon; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Eiland; Ellis; Farabee; Gallego; Garza; Giddings; Guillen; Hamilton; Hardcastle; Hochberg; Homer; Hopson; Jones, J.; Laney; Lewis; Mabry; Martinez Fischer; McReynolds; Menendez; Mercer; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker; Berman(C); Truitt.

Absent — Haggerty; Hodge.

Amendment No. 103

Representative Eiland offered the following amendment to **CSHB 1**:

Floor Packet Page No. 86

Amend **CSHB 1** as follows:

1. On page II-54 of the Health and Human Services Commission bill pattern, amend the first sentence of Rider 46, Cancer Prevention, by inserting "the inclusion of the Texas Cancer Council in the" between "upon" and "passage".

2. On page II-54 of the Health and Human Services Commission bill pattern, amend the last sentence of Rider 46, Cancer Prevention, by striking "local and community clinics" and inserting "programs".

Amendment No. 104

Representative Eiland offered the following amendment to Amendment No. 103:

Amend Amendment No. 103 by Eiland to **CSHB 1** (amendment package page 86) by striking items 1 and 2 of the amendment and substituting:

Strike Rider 46 following the Article II appropriations to the Health and Humans Services Commission (page II-54).

Amendment No. 104 was adopted without objection.

Amendment No. 103, as amended, was adopted without objection.

Amendment No. 105

Representative Eiland offered the following amendment to **CSHB 1**:
Floor Packet Page No. 87

Amend **CSHB 1** as follows:

1. On page II-41, reduce Tobacco Receipts Match for CHIP funds in Strategy C.1.1, CHIP, by \$75,149,999 in 2004 and by \$75,150,000 in 2005.

Premium Co-Payments in this strategy will decrease by \$12,000,000 in each year. Federal Funds will decrease in this strategy by \$232,300,000 in each year.

2. On page II-41, reduce Tobacco Settlement Receipts funds in Strategy C.1.2, Immigrant Health Insurance, by \$10,050,000 in 2004 and by \$10,050,000 in 2005.

3. On page II-41, reduce Tobacco Settlement Receipts in Strategy C.1.3, CHIP Vendor Drug Program, by \$1,700,000 in 2004 and by \$1,700,000 in 2005. Reduce Tobacco Receipts Match for CHIP by \$11,000,000 in 2004 and by \$11,000,000 in 2005.

Vendor Drug Rebates—CHIP will decrease in this strategy by \$1,500,000 in each year. Federal Funds will decrease in this strategy by \$28,300,000 in each year.

4. On page II-55 and page II-56, increase General Revenue funding at the Department of Human Services by \$82,800,000 in 2004 and by \$88,800,000 in 2005. Federal Funds will increase by \$119,900,000 in 2004 and by \$128,700,000 in 2005. These funds shall be used in Strategy A.1.1, Community Care—Entitlement, Strategy A.1.2, Community Care—Waivers, and Strategy A.1.5, LTC Eligibility and Services.

5. On page II-56, increase Full Time Equivalents by 242.5 in each year of the biennium in Strategy A.1.5, LTC Eligibility and Services.

This funding and staff increase at the Department of Human Services shall be used to implement a functional needs score of 26.

Amendment No. 105 was withdrawn.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Transportation, 8 a.m. tomorrow, April 16, E1.026, for a public hearing, to consider the remainder of the bills originally posted on Monday.

Elections, upon adjournment today, Desk 58, for a formal meeting, to consider pending business.

Criminal Jurisprudence, will not meet tonight.

Appropriations, Regulatory Subcommittee, upon adjournment today, Desk 134, for a formal meeting.

Border and International Affairs, 7:40 a.m. tomorrow, April 16, E1.014, for a public hearing.

Regulated Industries, upon adjournment today, Desk 82, for a formal meeting.

State Cultural and Recreational Resources, will not meet today.

Corrections, 8:30 a.m. tomorrow, April 16, speakers committee room, for a formal meeting, to consider pending bills.

FIVE DAY POSTING RULE SUSPENDED

Representative Giddings moved to suspend the five day posting rule to allow the Committee on Business and Industry to consider **HB 2805**.

The motion prevailed without objection.

CSHB 1 - (consideration continued)

Amendment No. 106

On behalf of Representative Coleman, Representative Hodge offered the following amendment to **CSHB 1**:

Floor Packet Page No. 88

Amend **CSHB 1** as follows:

(1) On page I-50, Trusteed Programs Within the Office of the Governor, strike Strategy A.1.2. Disaster Funds and the funding for the strategy in the amount of \$2.5 million in Fiscal Year 2004 and U.B. in Fiscal Year 2005 and renumber the remaining strategies accordingly.

(2) On page I-52, Trusteed Programs Within the Office of the Governor, add the following section and renumber the remaining sections accordingly.

"Sec. _____. DISASTER ASSISTANCE. Notwithstanding other limitations on transfers of funds contained in this Act, the governor is authorized to transfer funds between agencies and between strategies within an agency in order to respond immediately to events for which the governor has declared a State of Disaster by executive order or proclamation. A detailed list of the agencies and strategies from which funds are transferred under the authority of this rider shall be provided to the Legislative Budget Board and the Comptroller of Public Accounts."

(3) In Article II, Health and Human Services Commission, increase funding by \$2.5 million for Breast & Cervical Cancer Programs for Low Income Women.

Amendment No. 107

Representative Hodge offered the following amendment to Amendment No. 106:

Amend Amendment No. 106 by Coleman to **CSHB 1** (page 88, amendment packet) by striking the existing text of the amendment and substituting the following:

In Article II of the bill, add the following appropriately numbered rider following the appropriation to the Health and Human Services Commission:

_____. Breast and Cervical Cancer Programs. Out of amounts appropriated to the Health and Human Services Commission in Strategy B.2.7., Cost Reimbursed Services, the commission shall spend the amount of \$2.5 million during the state fiscal biennium beginning September 1, 2003, for purposes of funding breast and cervical cancer programs for low income women.

Amendment No. 107 was adopted without objection.

Amendment No. 106, as amended, was adopted without objection.

Amendment No. 108

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 90

Amend **CSHB 1** as follows:

(1) On page I-49, Office of the Governor, by striking Section 5, Unexpended Balances Between Biennia, and by renumbering the remaining sections accordingly.

(2) In Article II, Health and Human Services Commission, increase funding by \$850,000 for Breast & Cervical Cancer Program for Low-Income Women.

Amendment No. 108 was withdrawn.

Amendment No. 109

Representative Hochberg offered the following amendment to **CSHB 1**:

Floor Packet Page No. 91

Amend **CSHB 1** as follows:

(1) On page I-62, Department of Information Resources, reduce Goal C: Telecommunications by \$2,980,275 in general revenue for the biennium.

(2) On page I-66, Department of Information Resources, Section 9, Telecommunications Revolving Account, strike the last sentence in the section which reads "Included in the amounts appropriated above is \$2,980,275 in General Revenue Funds in this account for the purposes set forth above."

(3) In Article II, Health and Human Services Commission, increase funding by \$2,980,275 for Breast & Cervical Cancer Program for Low-Income Women.

Amendment No. 109 was withdrawn.

Amendment No. 110

Representative Hochberg offered the following amendment to **CSHB 1**:

Floor Packet Page No. 95

Amend **CSHB 1** as follows:

(1) On page I-62, Department of Information Resources, reduce Goal C: Telecommunications by \$2,980,275 in general revenue for the biennium.

(2) On page I-66, Department of Information Resources, Section 9, Telecommunications Revolving Account, strike the last sentence in the section which reads "Included in the amounts appropriated above is \$2,980,275 in General Revenue Funds in this account for the purposes set forth above."

(3) On page II-56, increase funding for Strategy A.1.3. Community Care-State by \$2,980,275 for Community Care for Elderly & Disabled (Frail and Elderly Program).

Amendment No. 110 was withdrawn.

Amendment No. 111

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 96

Amend **CSHB 1** as follows:

(1) On page VI-42, by reducing the general revenue appropriation in Strategy A.1.2 Brush Control Assistance by \$6,460,424 in Fiscal Year 2004 and \$38,564 in Fiscal Year 2005.

(2) On page II-56, increase funding for Strategy A.1.3 Community Care-State by \$6.5 million for Community Care of Elderly & Disabled (Frail and Elderly Program).

Amendment No. 111 was withdrawn.

Amendment No. 112

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 97

Amend **CSHB 1** as follows:

(1) On page VI-23, under the Method of Financing, by reducing the appropriation from the general revenue fund by \$5,000,000 for each year of the biennium and by increasing the appropriation from the Coastal Protection Account No. 027 by \$5,000,000 for each year of the biennium.

(2) On page II-56, increase funding for Strategy A.1.3. Community Care-State by \$10,000,000 for Community Care for Elderly & Disabled (Frail and Elderly Program).

Amendment No. 112 was withdrawn.

Amendment No. 113

Representative Naishtat offered the following amendment to **CSHB 1**:

Floor Packet Page No. 102

Amend **CSHB 1**, Article VI, Texas Department of Agriculture by reducing the general revenue appropriation for Strategy A.1.3., Integrated Pest Management by \$7,500,000 in Fiscal Year 2004 and \$7,500,000 in Fiscal Year 2005, and by increasing the general revenue appropriation for In Home and Family Support, A.1.4, Page II-56 by \$15,000,000.

Representative Hardcastle moved to table Amendment No. 113.

The motion to table prevailed.

Amendment No. 114

On behalf of Representative Castro, Representative Eiland offered the following amendment to **CSHB 1**:

Floor Packet Page No. 101

Amend **CSHB 1** as follows:

(1) On page I-79, Office of State-Federal Relations, by reducing the general revenue appropriation of Goal A: Influence Federal Action by \$180,000 in Fiscal Year 2004 and \$180,000 in Fiscal Year 2005.

(2) On page II-56, increase funding for Strategy A.1.3. Community Care-State by \$360,000 for Community Care for Elderly & Disabled (Frail and Elderly Program).

Amendment No. 114 was withdrawn.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

CSHB 1 - (consideration continued)

Amendment No. 115

Representative Thompson offered the following amendment to **CSHB 1**:
Floor Packet Page No. 108

Amend **CSHB 1** as follows:

(1) On page VI-42, by reducing the general revenue appropriation in Strategy A.1.2 Brush Control Assistance by \$6,460,424 in Fiscal Year 2004 and \$38,564 in Fiscal Year 2005.

(2) On page II-57, increase funding for Strategy A.1.6 Nursing Facility and Hospice Payments by \$6.5 million for Personal Needs Allowance for Nursing Home.

Amendment No. 116

Representative Thompson offered the following amendment to Amendment No. 115:

Amend the Amendment No. 115 found on page 108 to **CSHB 1** by substituting the following to read as follows:

(1) on page II-57, in A.1.6 Strategy: NURSING FACILITY & HOSPICE PAYMENTS, strike "\$1,991,172,300" in FY 2004 and "\$1,784,473,475" in FY 2005 and substitute "\$1,998,672,300" in FY 2004 and "\$1,792,816,475" in FY 2005 respectively;

(2) on page II-59, Method of Financing: General Revenue Fund, strike "\$18,291,738" in FY 2004 and "\$18,807,554" in FY 2005 and substitute "\$25,791,738" in FY 2004 and "\$27,150,554" in FY 2005, respectively;

(3) on page II-70, add a new Rider No. 34 to read as follows:

"34. **Personal Needs Allowance.** The department shall set a personal needs allowance of not less than \$60 a month for a resident of a convalescent or nursing home or related institution licensed under Chapter 242, Health and Safety Code, personal care facility, ICF-MR facility, or other similar long-term care facility who receives medical assistance. The department may send the personal needs allowance directly to a resident who receives Supplemental Security Income (SSI) (42 U.S.C. Section 1381 et seq.)."

(4) on page V-10 in C.3.1. Strategy: Contract Prisons/Private State Jails strike "\$131,989,985" in FY 2004 and "\$132,062,329" in FY 2005 and substitute "\$124,070,586" in FY 2004 and "\$124,138,589" in FY 2005 respectively;

(5) on page V-11, Method of Financing: General Revenue Fund, strike "\$2,210,579,878" in FY 2004 and "\$2,213,158,913" in FY 2005 and substitute "\$2,202,660,479" in FY 2004 and "\$2,205,235,174" in FY 2005, respectively.

Amendment No. 116 was adopted without objection.

Representative Wohlgemuth moved to table Amendment No. 115.

A record vote was requested.

The motion to table prevailed by (Record 261): 93 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Ellis; Farabee; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Mabry; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Capelo; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Farrar; Flores; Gallego; Garza; Giddings; Goodman; Guillen; Gutierrez; Hochberg; Hodge; Hopson; Jones, J.; Laney; Lewis; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Reyna; Rodriguez; Rose; Solis; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker; Berman(C).

Absent — Canales; Castro; Martinez Fischer; Pickett; Telford.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Isett on motion of Howard.

CSHB 1 - (consideration continued)

Amendment No. 117

Representative Naishtat offered the following amendment to **CSHB 1**:
Floor Packet Page No. 112

Amend **CSHB 1** as follows:

1. On page V-44, Department of Public Safety, under Method of Financing: General Revenue Fund, reduce the appropriation from general revenue by \$20,037,597 in each year of the biennium and under Other Funds, increase the appropriation from the State Highway Fund 006 by \$20,037,597 in each year of the biennium.

2. On page II-58, Texas Department of Human Services, increase the appropriation for Strategy B.1.1. TANF Grants by \$20,037,597 in each year of the biennium to restore the annual \$60 back-to-school supplement.

Representative Wohlgemuth moved to table Amendment No. 117.

(Speaker in the chair)

A record vote was requested.

The motion to table prevailed by (Record 262): 96 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Ellis; Farabee; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberger; Luna; Madden; Marchant; McCall; McClendon; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Farrar; Gallego; Garza; Giddings; Goodman; Guillen; Hochberg; Jones, J.; Laney; Lewis; Mabry; Martinez Fischer; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Isett.

Absent — Eiland; Flores; Gutierrez; Hodge; Menendez.

Amendment No. 118

Representative Naishtat offered the following amendment to **CSHB 1**:
Floor Packet Page No. 113

Amend **CSHB 1**, on page I-53, Historical Commission, Strategy A.1.5. Courthouse Preservation, by reducing the general revenue appropriation in Fiscal Year 2004 by \$13,300,000 and on page II-58 by increasing the general revenue appropriation for:

1) B.1.1. TANF Grant by \$4,475,000 in Fiscal Year 2004 and \$4,475,000 in Fiscal Year 2005, to restore the TANF benefit to 17% of the federal poverty level, and

2) B.1.1. TANF Grant by \$2,175,000 in Fiscal Year 2004 and \$2,175,000 in the Fiscal Year 2005, to fully restore the TANF assets limit and vehicle exemption.

Representative Wohlgemuth moved to table Amendment No. 118.

A record vote was requested.

The motion to table prevailed by (Record 263): 100 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Gattis; Geren; Goodman; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; Marchant; McCall; McClendon; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Farrar; Gallego; Garza; Giddings; Hochberg; Hodge; Jones, J.; Lewis; Mabry; Martinez Fischer; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Isett.

Absent — Capelo; Goolsby; Guillen; Menendez; Pickett; Raymond.

STATEMENT OF VOTE

When Record No. 263 was taken, I was in the house but away from my desk. I would have voted no.

Guillen

Amendment No. 119

Representative Martinez Fischer offered the following amendment to **CSHB 1**:

Floor Packet Page No. 114

Amend **CSHB 1** as follows:

(1) On page I-53, Historical Commission, Strategy A.1.5 Courthouse Preservation, by reducing the general revenue appropriation in Fiscal Year 2004 by \$13,300,000.

(2) On page II-71, increase funding for Strategy A.1.1 Adult MH-Community Services by \$13.3 million for In Home & Family Support Program.

Amendment No. 119 was withdrawn.

Amendment No. 120

Representative Naishtat offered the following amendment to **CSHB 1**:
Floor Packet Page No. 115

Amend **CSHB 1**, Article X, as follows:

1. On page X-2, House of Representatives, strike Rider #3, Unexpended Balances.

2. On page X-4, Legislative Council, Rider #2, after the words "Unexpended Balances" strike the first paragraph beginning with the words "Any unexpended balances as of August 31, 2003" and ending with the words "appropriation to the Council."

3. On page II-71, increase funding for Strategy A.1.1., Adult MH Community Services, by \$11 million in general revenue for the biennium.

Representative Wohlgemuth moved to table Amendment No. 120.

The motion to table prevailed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of a family medical emergency:

Eiland on motion of Keel.

CSHB 1 - (consideration continued)

Amendment No. 121

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 116

Amend **CSHB 1** as follows:

(1) On page I-50, Trusteed Programs Within the Office of the Governor, strike Strategy A.1.2. Disaster Funds and the funding for the strategy in the amount of \$7 million in Fiscal Year 2004 and U.B. in Fiscal Year 2005 and renumber the remaining strategies accordingly.

(2) On page I-52, Trusteed Programs Within the Office of the Governor, add the following section and renumber the remaining sections accordingly.

"Sec. _____. DISASTER ASSISTANCE. Notwithstanding other limitations on transfers of funds contained in this Act, the governor is authorized to transfer funds between agencies and between strategies within an agency in order to respond immediately to events for which the governor has declared a State of Disaster by executive order or proclamation. A detailed list of the

agencies and strategies from which funds are transferred under the authority of this rider shall be provided to the Legislative Budget Board and the Comptroller of Public Accounts."

(3) On page II-71, increase funding for Strategy A.1.1. Adult MH-Community Services by \$7 million for In Home & Family Support Program.

Representative Heflin moved to table Amendment No. 121.

The motion to table prevailed.

Amendment No. 122

Representative Naishtat offered the following amendment to **CSHB 1**:
Floor Packet Page No. 120

Amend **CSHB 1** as follows:

1.) On page VI-42, Soil and Water Conservation Board, A.1.2., Strategy (Brush Control Assistance), reduce the amount of the appropriation by \$6,460,424 in Fiscal Year 2004 and \$38,564 in Fiscal Year 2005.

2. On page II-71, Department of Mental Health and Mental Retardation, B.1.1. Strategy (MH State Hospital Services) increase the amount of appropriation by \$6,498,988 for the biennium to maintain the current number of state mental health hospitals.

Representative Hardcastle moved to table Amendment No. 122.

A record vote was requested.

The motion to table prevailed by (Record 264): 91 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crownover; Davis, J.; Dawson; Denny; Driver; Edwards; Eissler; Elkins; Ellis; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Homer; Hope; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Mabry; Madden; Marchant; McCall; Mercer; Merritt; Miller; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Farabee; Farrar; Gallego; Garza; Giddings; Guillen; Hilderbran; Hochberg; Hodge; Hopson; Jones, J.; Keel; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett.

Absent — Crabb; Delisi; Flores; Haggerty; Lewis; McClendon; Morrison; Truitt; Wolens.

Amendment No. 123

Representative Naishtat offered the following amendment to **CSHB 1**:
Floor Packet Page No. 122

Amend **CSHB 1**, Article X, as follows:

1. On page X-2, House of Representatives, strike Rider #3, Unexpended Balances.

2. On page X-4, Legislative Council, Rider #2, after the words "Unexpended Balances" strike the first paragraph beginning with the words "Any unexpended balances as of August 31, 2003" and ending with the words "appropriation to the Council."

3. On page II-72, increase funding for Strategy C.1.1., Adult MR Community Services, by \$7 million in general revenue for the biennium.

Representative J. Davis moved to table Amendment No. 123.

A record vote was requested.

The motion to table prevailed by (Record 265): 89 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Ellis; Flynn; Gattis; Geren; Goodman; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Howard; Hughes; Hupp; Jones, D.; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; Marchant; McReynolds; Mercer; Miller; Morrison; Mowery; Nixon; Paxton; Pickett; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Farabee; Farrar; Gallego; Garza; Giddings; Guillen; Hochberg; Hodge; Hopson; Hunter; Jones, J.; Keel; Lewis; Mabry; Martinez Fischer; McCall; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Phillips; Puente; Raymond; Rodriguez; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett.

Absent — Capelo; Flores; Goolsby; Laney; McClendon; Merritt; Quintanilla; Truitt; Wise.

Amendment No. 124

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 124

Amend **CSHB 1** as follows:

(1) On page I-50, Trusteed Programs Within the Office of the Governor, strike Strategy A.1.2. Disaster Funds and the funding for the strategy in the amount of \$4 million in Fiscal Year 2004 and U.B. in Fiscal Year 2005 and renumber the remaining strategies accordingly.

(2) On page I-52, Trusteed Programs Within the Office of the Governor, add the following section and renumber the remaining sections accordingly.

"Sec. _____. DISASTER ASSISTANCE. Notwithstanding other limitations on transfers of funds contained in this Act, the governor is authorized to transfer funds between agencies and between strategies within an agency in order to respond immediately to events for which the governor has declared a State of Disaster by executive order or proclamation. A detailed list of the agencies and strategies from which funds are transferred under the authority of this rider shall be provided to the Legislative Budget Board and the Comptroller of Public Accounts."

(3) On page II-72, increase funding for Strategy C.1.1. MR Community Services by \$4 million for In Home & Family Support Program.

Representative J. Davis moved to table Amendment No. 124.

A record vote was requested.

The motion to table prevailed by (Record 266): 95 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Flores; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; Marchant; McCall; McClendon; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgenuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Ellis; Farabee; Farrar; Gallego; Garza; Giddings; Guillen; Hochberg; Hodge; Homer; Jones, J.; Keel; Lewis; Mabry; Martinez Fischer; McReynolds; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett.

Absent — Menendez; Pickett; Quintanilla.

Amendment No. 125

Representative Howard offered the following amendment to **CSHB 1**:

Floor Packet Page No. 129

Amend **CSHB 1** as follows:

1. On page I-3 of the bill pattern for the Commission on the Arts, reduce Strategy B.1.1 Distribute Direct Grants by \$1,847,696 in General Revenue for fiscal year 2004 and \$1,872,904 in General Revenue for fiscal year 2005.

2. On page II-73 of the bill pattern for the Department of Mental Health and Mental Retardation, increase Strategy D.1.1 MR State School Services by \$1,847,696 in General Revenue for fiscal year 2004 and \$1,872,904 in General Revenue for fiscal year 2005.

Representative J. Davis moved to table Amendment No. 125.

A record vote was requested.

The motion to table prevailed by (Record 267): 83 Yeas, 62 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Edwards; Eissler; Flores; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Luna; Madden; Marchant; McCall; McClendon; Mercer; Miller; Morrison; Mowery; Nixon; Oliveira; Paxton; Pitts; Reyna; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Brown, B.; Brown, F.; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Corte; Davis, Y.; Deshotel; Dunnam; Dutton; Elkins; Ellis; Farabee; Farrar; Gallego; Garza; Giddings; Guillen; Gutierrez; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Jones, J.; Keel; Kuempel; Laney; Lewis; Mabry; Martinez Fischer; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Phillips; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett.

Absent — Pickett.

Amendment No. 126

Representative Naishtat offered the following amendment to **CSHB 1**:

Floor Packet Page No. 131

Amend **CSHB 1** as follows:

(1) On page VI-26, Trusteed Programs within the General Land Office, Strategy B.1.1. Purchase of Land for PSF, by reducing the appropriation by \$37,500,000 in Fiscal Year 2004 and \$37,500,000 in Fiscal Year 2005.

(2) On page II-94, increase funding for Strategy A.1.2 Child and Family Services by \$37.5 million for Child Protective Case Workers (Foster Care).

Representative Luna moved to table Amendment No. 126.

The motion to table prevailed.

Amendment No. 127

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 136

Amend **CSHB 1** as follows:

(1) On page I-49, Office of the Governor, by striking Section 5, Unexpended Balances Between Biennia, and by renumbering the remaining sections accordingly.

(2) On page II-94, increase funding for Strategy A.1.2. Child and Family Services by \$850,000 for Child Protective Case Workers (Foster Care).

Amendment No. 127 was withdrawn.

Amendment No. 128

Representative Naishtat offered the following amendment to **CSHB 1**:

Floor Packet Page No. 138

Amend **CSHB 1** as follows:

(1) On page VI-26, Trusteed Programs within the General Land Office, Strategy B.1.1. Purchase of Land for PSF, by reducing the appropriation by \$37,500,000 in Fiscal Year 2004 and \$37,500,000 in Fiscal Year 2005.

(2) On page II-95, increase funding for Strategy A.1.5 Foster Care Payments by \$37.5 million for Foster Care Payments.

Amendment No. 128 was withdrawn.

Amendment No. 129

On behalf of Representative Wohlgemuth, Representative J. Davis offered the following amendment to **CSHB 1**:

Floor Packet Page No. 146

Amend **CSHB 1** as follows;

Amend Sec. 25 (Mental Retardation Medicaid Waiver) of **CSHB 1**, on page II-115, to read as follows:

(a) Out of funds appropriated to agencies identified in Chapter 531, Government Code, the Health and Human Services Commission (HHSC) shall ~~[may]~~ identify and transfer funds from those agencies in order to fund the current 3/4 bed model in the Mental Retardation Medicaid Waiver program ~~[, in an amount not to exceed \$15,252,792 in General Revenue or \$38,341,424 in All Funds]~~. The 3/4 bed model waiver program costs shall not exceed 85% of the

non-state school ICF/MR rate. The transfers of funding between agencies are subject to prior approval by the Legislative Budget Board and the Governor. Requests to transfer funds shall include the source of funding and method of financing.

Amendment No. 130

Representative J. Davis offered the following amendment to Amendment No. 129:

Amend Amendment No. 129 by Wohlgemuth to **CSHB 1** (amendment packet, page 146) by striking the language following "Amend **CSHB 1** as follows:" and substituting the following:

In Article II, strike Rider 12 following the appropriation to the Department of Mental Health and Mental Retardation (page II-83) and substitute the following:

12. Home and Community-Based Services (HCS) Waiver Program. The department shall ensure the cost-effectiveness of the HCS program by limiting the average annual HCS expenditure per client to 80 percent of the average annual per client ICF-MR expenditure. Expenditures for individual clients may exceed this cap as long as the overall average expenditure for HCS clients remains below 80 percent of the ICF-MR annual average. Furthermore, it is the intent of the legislature that, to increase the number of clients served, the overall average monthly expenditure per client may not exceed \$3,430 per month in the fiscal years 2004 and 2005. The Department of Mental Health and Mental Retardation and the Health and Human Services Commission shall report to the Legislative Budget Board and the governor by October 1 of each year of the biennium on the measures taken to decrease the average cost per person and to increase the number of clients served in the HCS program.

Amendment No. 130 was adopted without objection.

Amendment No. 129, as amended, was adopted without objection.

Amendment No. 131

On behalf of Representative Eiland, Representative Dunnam offered the following amendment to **CSHB 1**:

Floor Packet Page No. 147

Amend **CSHB 1** as follows:

1. On page III-194, reduce General Revenue funding for the Food and Fibers Commission by \$1,349,101 in 2004 and by \$1,349,102 in 2005 (\$2,698,203 for the biennium).

2. On page II-21, increase General Revenue funding for the Department of Health in Strategy A.3.2, Immunizations, by \$1,349,101 in 2004 and by \$1,349,102 in 2005.

3. On page III-195, add the following new rider to the Food and Fibers Commission:

Memorandum of Understanding. It is the intent of the Legislature that the Food and Fibers Commission shall enter into a Memorandum of Understanding with the Department of Agriculture such that the Department of Agriculture assumes all powers, duties, obligations, rights, contracts, records, and property relating to the Food and Fibers Commission.

Representative Wohlgenuth moved to table Amendment No. 131.

A record vote was requested.

The motion to table prevailed by (Record 268): 88 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Solomons; Stick; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgenuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ellis; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Hochberg; Hodge; Homer; Hopson; Jones, J.; Lewis; Martinez Fischer; McReynolds; Menendez; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett.

Absent — Hope; Mabry; McClendon; Moreno, J.; Moreno, P.; Smithee; Swinford.

Amendment No. 132

Representative Giddings offered the following amendment to **CSHB 1**:
Floor Packet Page No. 148

Amend **CSHB 1** as follows:

On page II-23.

Health Care Program. Out of funds appropriated to the Department of Health, in Strategy 4.2.1, Community Health Services, \$256,000 in fiscal year 2004 and \$216,000 in fiscal year 2005 are allocated to fund a health care program in low income metropolitan areas with a significant percentage of senior citizens.

Amendment No. 133

Representative Giddings offered the following amendment to Amendment No. 132:

Amend the Amendment found on page 148 of the packet as follows:
On page II-23.

D.2.1

Health Care Program. Out of funds appropriated to the Department of Health, in Strategy D.2.1, Community Health Services, \$200,000 in fiscal year 2004 and \$118,000 in fiscal year 2005 are allocated to fund a health care program in low income metropolitan areas with a significant percentage of senior citizens.

Amendment No. 133 was adopted without objection.

Amendment No. 132, as amended, was adopted without objection.

Amendment No. 134

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 149

Amend **CSHB 1** follows:

In Article II, add the following language to the appropriately numbered rider under the appropriations to the Department of Health (page II-30):

10. **Medical Treatment.** The Texas Department of Health may distribute funds for medical, dental, psychological or surgical treatment provided to a minor only is consent to treatment is obtained pursuant to Chapter 32 of the Texas Family Code, with the exception of family planning services for minors who have previously been pregnant or have had an infection that may have been caused by sexual activity. In the event that compliance with this rider would result in the loss of Federal Funds to the state, the department may modify or suspend this rider to the extent necessary to prevent such loss of funds, provided that prior approval is obtained from the governor and the Legislative Budget Board.

Amendment No. 134 was withdrawn.

Amendment No. 135

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 155

In Article II, add the following language to the appropriately numbered rider under the appropriations to the Department of Health (II-33):

55. Mold Review.

a. Out of funds appropriated above in Strategy A.1.3 regarding Environmental Health, the department shall conduct a review of scientific information related to indoor mold that addresses the types of mold that may be harmful to the health of humans in an indoor environment. The review shall determine the mechanisms available to accomplish the following: measure mold in an indoor environment, identify concentration levels of mold that have been associated with health effects in humans, identify correlations between exposure

levels and negative health effects, identify a safe human occupancy exposure range based on the best available science, recommend a system for removing mold, and determine the time frames for re-evaluating clean sites.

b. In conducting the review, the department may survey existing scientific literature relating to indoor mold, statistically analyze existing data, and consult with appropriate state and federal agencies and appropriate scientific and medical experts.

c. No later than December 1, 2004, the department shall report the results of the review conducted under this Act to the governor, lieutenant governor, and the speaker of the house of representatives. The report must identify areas in which future research is needed.

Amendment No. 135 was withdrawn.

Amendment No. 136

Representative Solis offered the following amendment to **CSHB 1**:

Floor Packet Page No. 156

Amend **CSHB 1** in Article II, on page II-35, Rider 58 following the appropriation to the Texas Department of Health, by striking the sentence, "Each year of the biennium \$2.5 million shall be granted to the lending corpus of the Community Development Financial Institution Account, and account within the general revenue fund to exclusively finance FQHCs and institutions seeking to become FQHCs." and substituting the sentence, "Each year of the biennium \$2.5 million shall be granted to the lending corpus of a Community Development Financial Institution which exclusively finances FQHCs and institutions seeking to become FQHCs.".

Amendment No. 137

Representatives Solis and Uresti offered the following amendment to Amendment No. 136:

Amend Amendment No. 136 by Solis to **CSHB 1** (page 156 amendment packet) on page 1, line 1 of the amendment by striking "Rider 58" and substituting "Rider 37".

Amendment No. 137 was withdrawn.

(West in the chair)

Amendment No. 138

Representative Truitt offered the following amendment to Amendment No. 136:

Amend Amendment No. 136 by Solis to **CSHB 1** (page 156, floor amendment packet) as follows:

(1) On page 1, line 1, strike "Rider 58" and substitute "by striking Rider 37 following the appropriation to the Texas Department of Health and substituting the following:".

(2) On page 1, strike lines 2 through 10, and substitute the following:

37. USE OF COMMUNITY HEALTH SERVICES FUNDS. It is the intent of the Legislature that not less than \$7.0 million per year of the funds appropriated in Strategy D.2.1 be expended exclusively to sustain existing Federally Qualified Health Centers and to help create new Federal Qualified Health Centers (FQHCs) in the following manner: Each year of the biennium \$4.5 million shall be expended in grants to existing or new institutions seeking to become FQHCs for planning, grant writing, initial operating costs, and initial capitol costs. Each year of the biennium \$2.5 million shall be granted to the lending corpus of the Community Development Financial Institution, which exclusively finances FQHCs and institutions seeking to become FQHCs. All other funds appropriated in Strategy D.2.1, Community Health Services, shall be used solely for the provision of direct primary care services through the continuation of the Primary Healthcare Program for existing FQHCs and non FQHCs, with the exception of \$1,018,000 appropriated in the strategy for the Office of Minority Health and Parkland Senior Care.

Amendment No. 138 was adopted without objection.

Amendment No. 136, as amended, was adopted without objection.

Amendment No. 139

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 158

Amend **CSHB 1** as follows:

In Article II, add the following language to the appropriately numbered rider under the appropriations to the Department of Health (page II-36):

44. Children with Special Health Care Needs.

a. Amounts appropriated above to the Department of Health in Strategy D.1.3, Special Needs Children may only be transferred to Strategy E.2.1, Support of Indigent Health Services, to the Health and Human Services Commission Strategy B.2.4, Premium: Children/Medically Needy. Transfers to the Health and Human Services Commission from Department of Health Strategy D.1.3. may only be made if General Revenue is made available by CSHCN-eligible children becoming eligible for Medicaid. Any transfers pursuant to this provision are subject to prior notification to the Legislative Budget Board and the Governor that such a transfer is to take place. Funds may not be transferred from the D.1.3, Special Needs Children, if such a transfer would result in a loss of, or reduction in, services, or a loss of, or reduction in, persons otherwise eligible for CSHCN services. Notwithstanding any other provisions contained in this Act, no transfers shall be made out of Strategy D.1.1, Women and Children's Health Services. Further, the department shall make expenditures from Strategy D.1.3, Special Needs Children, from state funds in proportion to the source of funds budgeted for the strategy. The department shall report quarterly on compliance with this provision to the Legislative Budget Board and the Governor. The Comptroller of Public Accounts shall monitor compliance with these provisions and establish additional procedures, if necessary.

b. The Department of Health shall evaluate actuarial projections and projected expenditures for the Children with Special Health Care Needs program on a quarterly basis. If the department makes a finding of fact that projected expenditures are less than projected available appropriations for that fiscal year, the department shall first report this finding and related analysis to the Legislative Budget Board and Governor at least 30 days prior to adding clients from the waiting list to the program rolls. The department should add clients from the waiting list in order that projected expenditures equal projected available appropriations for that fiscal year.

Amendment No. 139 was adopted without objection.

Amendment No. 140

Representative Capelo offered the following amendment to **CSHB 1**:
Floor Packet Page No. 159

Amend **CSHB 1** in Article II of the bill by adding the following appropriately numbered rider following the appropriations to the Department of Health:

___ Additional Transfer Authority: State-Funded Immunizations. Subject to the limitations on transfer authority prescribed by Rider 2 and in addition to the general transfer authority authorized by Rider 3, the Department of Health may transfer appropriations from one or more other appropriation items to appropriation item A.3.2, Immunizations, in the amounts the commissioner of public health or the Board considers necessary for the purpose of providing current and effective immunizations coverage for recipients of state-funded immunizations comparable to the immunizations coverage received by persons covered by the state Medicaid program or private insurance.

Amendment No. 141

Representative Capelo offered the following amendment to Amendment No. 140:

Amend the Capelo amendment by striking "in addition to the general transfer authority authorized"

Amendment No. 141 was adopted without objection.

Amendment No. 140, as amended, was adopted without objection.

Amendment No. 142

Representative Hunter offered the following amendment to **CSHB 1**:
Floor Packet Page No. 160

Amend **CSHB 1** in Article II of the bill by adding the following appropriately numbered rider following the appropriations to the Texas Department of Health:

___ MEDICALLY FRAGILE CHILDREN. It is the intent of the legislature that the Texas Department of Health provide appropriate general revenue funding in fiscal years 2004 and 2005 in strategy D.1.3, Special Needs Children, for

programs specifically designed for medically fragile children, the most critical of the children with special health care needs. These programs should match state funds with private funds and follow the guidelines and criteria developed through the pilot program for medically fragile children established and funded by Rider 57 to the appropriations made to the Department of Health during the 77th Legislature, Regular Session.

Amendment No. 142 was adopted without objection.

**REMARKS BY REPRESENTATIVE MABRY
AND REPRESENTATIVE COLEMAN**

REPRESENTATIVE MABRY: Mr. Coleman, you would agree that the Appropriations Committee should be commended on the tough job that they had to undertake?

REPRESENTATIVE COLEMAN: Oh, certainly. As a matter of fact, this is probably one of the toughest times any Appropriations Committee is ever going to have.

MABRY: And you're appreciative, aren't you, of all the members who have stayed here and listened to all of the amendments that have been offered today?

COLEMAN: I'm very appreciative because you know—I know that even though we are all elected to do this, and our obligation is to be here, there are many people who probably would rather be doing something else.

MABRY: And I would like to commend you and the other members who have offered up amendments today, and it's not the purpose of any member who's offered up an amendment to delay this process in any way, is it?

COLEMAN: No, because the only opportunity that you have to determine what the priorities are of the members—not the Appropriations Committee—the members on the floor is to bring those amendments and then discuss them. The only way that people can understand what the priorities are is to lay them out and to say that these are the priorities that are good for this state, and although they weren't funded in this bill, they need to be a part of the funding as we move forward so that we don't move backwards.

MABRY: And, Mr. Coleman, we've heard several amendments throughout the day that have dealt with similar sources of funds, for example, the historic commission or brush control and things of that nature. And the purpose of those amendments was not to attack those particular funding sources per se, but was simply to provide the members of this body an opportunity to prioritize the needs as they see fit that face this state, is that correct?

COLEMAN: That is correct. It is very clear that those programs have strong support, and so do the other needs that we have laid out that were not funded in the appropriations bill. Surely you know, look—I'm going to tell you—I love historic buildings. I really, really do, and I love seeing the renovation of the courthouses and I think it has made our state prettier. The arts—hey, man, I've got the Houston Grand Opera and the ballet in my district. I have Museum of

Fine Arts—you know, these are constituents' institutions of mine, so certainly I believe the arts are important. And all those other things: brush control—hey, I've heard a lot about water, and water is important in this legislation.

MABRY: And although it sounds repetitive sometimes because the beginning of these amendments that have been offered starts with taking funds from brush control or taking funds from the historic commission, these really aren't repetitive amendments, are they, Mr. Coleman, because the recipients of those funds have been different programs of various varieties?

COLEMAN: That's correct. You have an amendment where—where the money is appropriated to is different as you move through the different agencies, and where the source of funds comes from for that particular program, whether it is mental retardation in home and family support for adults or it's mental health, is where you get confused—in home and family support for adults. And I think that it was clear that if one didn't get adopted, well guess what? Somebody might have decided that they didn't like the mentally retarded and didn't think they deserved funding from brush control, but you know what? They might have thought the personal needs allowance was important. I don't know. We've been giving options to—through those amendments to this legislature, this house.

MABRY: And we've seen that on the previous amendments, and I think we can anticipate seeing that on amendments to come in the next few hours and perhaps tomorrow, is that correct?

COLEMAN: That's correct, Representative Mabry. As a matter of a fact, I think that people have kind of caught on to that as they have looked through their packets which has made it clearer so we don't—I don't have to continue on with certain amendments because they understand the importance of the program and they understand that they believe something is equally important. And so I think that that's the real deal here because you know what that is usually called? A Catch-22. And this house is in a Catch-22.

MABRY: And I believe that one of our esteemed colleagues earlier stated—and I think it might have been to you, Mr. Coleman—that if each of us wrote a budget, it's very likely that none of our budgets would match identically, and that's because each and every one of us have different priorities. And these variety of amendments that are being offered, offer each one of us priorities to choose from, is that correct?

COLEMAN: That's correct, Representative Mabry. If we didn't have an opportunity to do that—let me add something and I will be brief. If there had been an Article XI, where you could offer your priorities without having to do an amendment on the floor, I guarantee you that there would have been less amendments. With an Article XI—we all know it's a wish list—but I can make clearly known to the Appropriations Committee and the conference committee what my wishes were—wishes were—and needs for my district. And I think that might have expedited some of this, but neither here nor there, I think that we are here with amendments that are laid out that express real and true priorities for the people of the State of Texas.

MABRY: And it is unfortunate, Mr. Coleman, isn't it, that our state is in such a condition that we can't have that Article XI?

COLEMAN: Well, it is, and you know, I think that one of the things that occurred when we had Article XI before was, it was never a promise that your Article XI item would be funded. But you knew that your Article XI item would be considered. And so you had at least the ability to have a priority of yours and your districts or a priority of this house's moved into conference regardless of whether it got funded or not. And I think that process of laying out priorities has become really, really important. The priorities that are being laid out are important to each member. And the priorities are to move the state forward or to advance the bill but not go backwards when it comes to the needs of our people, and if we are in a Catch-22, we should use every tool at our disposal to make sure that we haven't cut needs, particularly in this case, adults with mental retardation so that they can stay in their community. And with that, members, I ask you to vote no on the motion to table.

Amendment No. 143

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 164

Amend **CSHB 1** as follows:

In Article II, Department of Health, add the appropriately numbered rider:

_____. **Children with Special Health Care Needs Wraparound Services Allocation.** The Department of Health shall calculate and reserve from transfer pursuant to Rider 5 the amount of General Revenue and Federal Funds needed to provide services to children who are enrolled in the Children's Health Insurance Program and who also are eligible through the Children with Special Health Care Needs Program to receive additional wraparound services not provided in the CHIP benefits package.

Amendment No. 144

Representative Wohlgemuth offered the following amendment to Amendment No. 143:

Amend Amendment No. 143 on page 164 of the packet to **CSHB 1** to read as follows:

_____. **Children with Special Health Care Needs Wraparound Services Allocation.** The Department of Health shall calculate and reserve from transfer pursuant to Rider 5 the amount of General Revenue and Federal Funds needed to provide services to children who are enrolled in the Children's Health Insurance Program and who also are eligible through the Children with Special Health Care Needs Program to receive medical care and supplies [~~additional wraparound services~~] not provided in the CHIP benefits package.

Amendment No. 144 was adopted without objection.

Amendment No. 143, as amended, was adopted without objection.

Amendment No. 145

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 165

Amend **CSHB 1** as follows:

In Article II, Department of Health, add the appropriately numbered rider:

_____. **Motor Vehicle Allowance for Certain Recipients of TANF and Food Stamps.** For the purposes of determining whether a two-parent family is eligible for financial assistance under the Temporary Assistance for Needy Families (TANF) program, the Department of Human Services shall exclude up to \$15,000 of the fair market value of one motor vehicle owned by the applicant family. This same motor vehicle allowance standard shall be used in determining whether a person meets the resource requirements for eligibility for food assistance under Chapter 33, Human Resources Code.

Amendment No. 145 was withdrawn.

REMARKS ORDERED PRINTED

Representative Deshotel moved to print remarks between Representative Coleman and Representative Mabry concerning the withdrawal of amendments.

The motion prevailed without objection.

Amendment No. 146

Representative Howard offered the following amendment to **CSHB 1**:

Floor Packet Page No. 167

Amend **CSHB 1** as follows:

On Page II-38 of **CSHB 1** add the following rider:

_____. **Funding for Alternative Pregnancy Options.** Out of funds appropriated above, \$5,000,000 in each year of the 2004-05 biennium in federal Maternal and Child Health Block Grant (Title V) funds in Strategy D.1.1, Women and Children's Health and \$5,000,000 in each year of the 2004-05 biennium in federal Social Services Block Grant (Title XX) funds in Strategy D.1.2, Family Planning are allocated to fund a program for alternative pregnancy options.

The Alternative Pregnancy Options Program shall disburse the funds to qualified entities who provide intervention services to pregnant women that include crisis intervention, counseling, mentoring, support services, pre-natal information and informational referrals regarding healthy childbirth, adoption, parenting and other services to help ensure healthy and full term pregnancies.

No funding from this program shall be available to any entity that directly or indirectly promotes, performs or provides abortions or abortion referrals or abortion services.

No funding from this program shall be available to any entity which is associated or affiliated with an entity that directly or indirectly promotes, performs or provides abortions or abortion referrals or abortion services.

Amendment No. 146 - Point of Order

Representative Thompson raised a point of order against further consideration of Amendment No. 146 under Rule 8, Section 4 of the House Rules and Article III, Section 35(a) of the Texas Constitution on the grounds that the amendment would change general law in the appropriations bill.

The chair sustained the point of order, speaking as follows:

Ms. Thompson raises a point of order against further consideration of the Howard Amendment on the grounds that it violates both the Texas Constitution and the House Rules by attempting to change general law in the appropriations bill.

Ms. Thompson correctly states that the rule that a general law may not be changed in the appropriations bill is both well established in House Precedent (See Explanatory Note 2 and House Precedents following Rule 8, Section 4, House Rules). Ms. Thompson is also correct in noting that, in order to comply with this rule, a rider may only detail, limit, or restrict the use of appropriated funds.

The chair finds that the Howard Amendment violates Rule 8, Section 4 of the House Rules because it imposes a general law requirement by requiring the Department of Health to establish a new program. Representative Howard's Amendment authorizes the appropriation of state funds for "a program for alternative pregnancy options." Under the House Rules, this requirement must be imposed by general law. The chair can find no such general law, nor does the chair find any language in the amendment that makes its enactment contingent upon the passage of any legislation.

Therefore, Ms. Thompson's point of order is sustained.

The ruling precluded further consideration of the amendment.

Amendment No. 147

Representative Ellis offered the following amendment to **CSHB 1**:

Floor Packet Page No. 166

Amend **CSHB 1** as follows:

On Page II-38 of **CSHB 1** add the following rider:

_____. **Trauma Formula Distribution.** It is the intent of the Legislature that the Department of Health allocate monies from the emergency medical services and trauma care system fund in accordance with Health and Safety Code § 773.122(c). It is further the intent of the Legislature that the Department of Health weight the statutory criteria in such fashion that, in so far as possible, 40 percent of the funds are allocated to urban counties and 60 percent of the funds are allocated rural and frontier counties.

Representative Turner moved to table Amendment No. 147.

The motion to table was lost.

(Speaker in the chair)

Amendment No. 147 was adopted without objection. (Berman, B. Cook, Flynn, Hopson, Hughes, D. Jones, and Phillips recorded voting yes)

Amendment No. 148

Representative Y. Davis offered the following amendment to **CSHB 1**:
Floor Packet Page No. 161

Amend **CSHB 1** as follows:

In Article II, Department of Health, add the appropriately numbered rider:

_____. **Small Urban Hospitals.** Restore the appropriation from the interest earned on the \$25 million dedicated funds to the small urban hospitals for development and growth of health care facilities in under served urban communities.

Amendment No. 149

Representatives Y. Davis and Alonzo offered the following amendment to Amendment No. 148:

Amend Amendment No. 148 by Davis to **CSHB 1** (page 161, amendment packet), by striking the existing text of the amendment and substituting the following:

Amend **CSHB 1** as follows:

(1) Reduce the Article II appropriations to the Texas Department of Health for Strategy E.2.3: Health Care Facilities (page II-24), by the amount available for appropriation under Section 403.1066, Government Code.

(2) In Article II of the bill, add the following appropriately numbered rider following the appropriations to the Texas Department of Health:

_____. **SMALL URBAN HOSPITALS.** In addition to other amounts appropriated to the Texas Department of Health by this Act, the amount of available for appropriation under Section 403.1066, Government Code, is appropriated to the department for the state fiscal biennium beginning September 1, 2003, for the purposes described by Section 403.1066(c), Government Code.

Amendment No. 149 was adopted without objection.

Amendment No. 148, as amended, was adopted without objection.

Amendment No. 150

Representative Wohlgenuth offered the following amendment to **CSHB 1**:
Floor Packet Page No. 169

Amend **CSHB 1** as follows:

On Page II-38 of **CSHB 1** add the following rider:

_____. **Additional Appropriation for Quality Emergency Care Regulation, EMS Fees.** The Texas Department of Health is hereby appropriated any additional revenues generated in the General Revenue-Dedicated Bureau of Emergency Management Account No. 512 above the amounts identified in fiscal years 2004 and 2005 for Account No. 512 in the Comptroller of Public Accounts' Biennial Revenue Estimate, for the purpose of regulating emergency services providers and emergency services personnel. Funds appropriated in this item may be transferred to the appropriate strategies for the purpose of regulating emergency medical services providers and emergency services personnel.

Amendment No. 151

Representatives Coleman and Wohlgemuth offered the following amendment to Amendment No. 150:

Amend Amendment No. 150 by Wohlgemuth to **CSHB 1** (page 169, amendment packet) by striking the existing text of the amendment and substituting the following:

In Article IX of the bill, add the following appropriately numbered subdivision to Section 11.29:

() Texas Department of Health for the purpose of regulating emergency services providers and emergency services personnel, contingent on **HB 1930** or similar legislation being enacted by the 78th Legislature, Regular Session, and becoming law: all additional revenues deposited to the credit of the Bureau of Emergency Management Account No. 512 (dedicated general revenue account) that are generated as a result of the legislation;

Amendment No. 151 was adopted without objection.

Amendment No. 150, as amended, was adopted without objection.

Amendment No. 152

On behalf of Representative Coleman, Representative Wise offered the following amendment to **CSHB 1**:

Floor Packet Page No. 171

Amend **CSHB 1** as follows:

In Article II, add the following language to the appropriately numbered rider under the appropriations to the Department of Health (page II-47):

25. Reporting Child Abuse. The Texas Department of Health may distribute or provide appropriated funds only to recipients which show good faith efforts to comply with all child abuse reporting guidelines and requirements set forth in Chapter 261 of the Texas Family Code. Recipients of such funds would not be required to report child abuse as defined by Chapter 261 of the Texas Family Code if the conduct reported was exclusively consensual sexual conduct between two minors

Amendment No. 152 was withdrawn.

Amendment No. 153

Representative Wohlgemuth offered the following amendment to **CSHB 1**:
Floor Packet Page No. 173

Amend **CSHB 1** as follows:

On page II-54, strike existing rider #47 and substitute the following:

Medicaid Waiver for Women's Health. Contingent upon the passage of **HB 2606** or similar legislation, the Health and Human Services Commission shall maximize federal funding for women's health care services by applying for an 1115 Medicaid waiver for women's health and family planning services. Any waiver request must be designed to generate a savings in general revenue during this biennium.

Amendment No. 154

Representative Wohlgemuth offered the following amendment to Amendment No. 153:

Amend Amendment No. 153 found on page 173 of the packet to **CSHB 1** as follows:

On page II-54, strike existing rider #47, and substitute the following:

~~**Medicaid Waiver for Women's Health.** Contingent upon the passage of **HB 2606** or similar legislation, the Health and Human Services Commission shall maximize federal funding for women's health care services by applying for an 1115 Medicaid waiver for women's health and family planning services. Any waiver request must be designed to generate a savings in general revenue during this biennium.~~

Amendment No. 154 was adopted without objection.

Amendment No. 153, as amended, was adopted without objection. (Thompson recorded voting no)

Amendment No. 155

Representative Wohlgemuth offered the following amendment to **CSHB 1**:
Floor Packet Page No. 177

Amend **CSHB 1** as follows:

On page II-55 (Health and Human Services Commission), by adding a new rider to read as follows:

_____. The Health and Human Services Commission shall review and revise its mental retardation provider cost reporting rules, regulations and procedures for the purposes of simplifying the cost reporting process and reducing overall administrative costs to the state and providers while providing fair and accurate financial information to the state necessary to the proper planning and funding of mental retardation services. In so doing it shall seek to capture any and all costs, follow GAAP standards and to the extent possible, utilize financial statements similar to those prepared for banking, tax, and other common business financial planning, evaluation, and reporting purposes.

In implementing this directive, the Commission shall utilize a workgroup of providers, advocates, agency staff, and private sector financial experts, and shall ensure a clear separation between the rate setting and analysis functions and from the audit functions.

Amendment No. 155 was adopted without objection.

Amendment No. 156

Representative Wohlgemuth offered the following amendment to **CSHB 1**:
Floor Packet Page No. 178

Amend **CSHB 1** as follows:

Amend Article II, Health and Human Services Commission, by adding the following rider:

_____. Contingent upon the passage of **HB 2292**, or similar legislation, from the funds appropriated above, the Commission may use up to \$1.125 million General Revenue (estimated to be total funds of \$4.5 million) for the implementation of a 'front-end' Medicaid fraud program.

Amendment No. 157

Representative Wohlgemuth offered the following amendment to Amendment No. 156:

Amend Amendment No. 156 on page 178 of the packet to **CSHB 1** as follows:

Amend Article II, Health and Human Services Commission, by adding the following rider:

_____. Contingent upon the passage of **HB 2292**, or similar legislation, from the funds appropriated above, the Commission may ~~use up to \$1.125 million General Revenue (estimated to be total funds of \$4.5 million) for the implementation of~~ implement a 'front-end' Medicaid fraud program.

Amendment No. 157 was adopted without objection.

Amendment No. 158

Representative Naishtat offered the following amendment to Amendment No. 156:

Amend Amendment No. 156 to **CSHB 1** found on page 178 by adding the following:

2) Before expanding a front-end Medicaid fraud reduction program into other counties, the commission shall provide a detailed cost-benefit analysis to the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board that certifies that the program will result in state savings in the 2004-2005 biennium relating to a reduction in front-end provider, third-party, and recipient fraud in the Medicaid program. The commission may not award a contract to extend the program to other counties unless the contract includes a written guarantee of these state savings.

Amendment No. 158 was withdrawn.

Amendment No. 156, as amended, was adopted without objection.

Amendment No. 159

Representative Wohlgemuth offered the following amendment to **CSHB 1**:
Floor Packet Page No. 179

Amend **CSHB 1**, at page II-55 (Health and Human Services Commission), by adding a new rider to read as follows:

" _____. The Health and Human Services Commission shall establish a work group comprised of providers, advocates, appropriate agency staff, and other persons or entities deemed by the Commissioner to be necessary to accomplish this charge. to:

a) Evaluate its current regulatory and administrative functions, and those of the agencies under its jurisdiction, relating to the provision of mental retardation services, and recommend ways to eliminate duplicative functions, while maintaining services and ensuring ongoing agency accountability;

b) Review its current statutory authority and rules, regulations and procedures, and those of the agencies under its jurisdiction, relating to the provision of mental retardation services, to identify those which exceed federal requirements, add no value to current programs, are duplicative, or are overly burdensome or costly, for the purpose of achieving an overall reduction in paperwork requirements imposed upon persons subject to its regulation of at least 10% by September 1, 2005, through:

(1) revision of its own rules, regulations and procedures;

(2) recommendations for revision of rules, regulations and procedures of those agencies under its jurisdiction; and

(3) and recommendations for statutory changes by the legislature.

c) The Commission shall report its findings, actions and recommendations to implement this directive to the Legislative Budget Board, the Senate Finance Committee, the House Appropriations Committee and the Governor's Budget Office not later than October 1, 2004."

Amendment No. 159 was adopted without objection.

Amendment No. 160

Representative Uresti offered the following amendment to **CSHB 1**:

Floor Packet Page No. 180

Amend **CSHB 1** as follows:

In Article II, add the following appropriately numbered rider under the appropriations to the Health and Human Service Commission:

_____. No requirements for prior authorizations or other restrictions on medication used to treat mental illnesses such as schizophrenia, depression or bipolar disorder may be imposed on Medicaid recipients. Medications that will be available shall include atypical anti-psychotic medications, conventional anti-psychotic medications and other medications used for the treatment of mental illnesses.

Amendment No. 161

Representative Uresti offered the following amendment to Amendment No. 160:

Amend Amendment No. 160 to **CSHB 1** found on page 180 of the packet by making the following corrections:

In Article II, add the following appropriately rider under the appropriations to the Health and Human Services Commission:

_____. No requirements for prior authorizations or other restrictions on medication used to treat mental illnesses such as schizophrenia, depression or bipolar disorder may be imposed on Medicaid recipients. ~~[Meditations]~~

Medications that will be available shall include atypical anti-psychotic medications, conventional anti-psychotic medications and other medications used for the treatment of mental illnesses.

Amendment No. 161 was adopted without objection.

Representative Wohlgemuth moved to table Amendment No. 160.

The motion to table prevailed.

Amendment No. 162

Representative Delisi offered the following amendment to **CSHB 1**:

Floor Packet Page No. 184

Amend **CSHB 1**, under the Article II appropriations to the Health and Human Services Commission, by adding the following appropriately numbered rider:

_____. Selective Contracts With Health Care Providers. (a) The Health and Human Services Commission shall, if cost-effective, develop and implement a system of selective contracts with health care providers for the provision of the following services or supplies to recipients of medical assistance:

- (1) hospital services;
- (2) laboratory services;
- (3) durable medical supplies; and
- (4) eyeglass services.

(b) In implementing a system of selective contracts, the department must consider the quality of services provided and the cost of services or supplies provided.

Amendment No. 163

Representative Wohlgemuth offered the following amendment to Amendment No. 162:

Amend Amendment No. 162 by Delisi to **CSHB 1** (page 184 amendment packet) as follows:

(1) On page 1, line 6 of the amendment, insert "selected" between "system of selective contracts with" and "health".

(2) On page 1, line 7 of the amendment, insert the following between "care providers" and "for the provision of":

"who are providing services on a fee-for-service basis".

Amendment No. 163 was adopted without objection.

Amendment No. 162, as amended, was adopted without objection.

Amendment No. 164

Representative Deshotel offered the following amendment to **CSHB 1**:

Floor Packet Page No. 185

Amend Article II, **CSHB 1**, on page II-55, Health and Human Services Commission, by adding the following rider and renumbering the remaining riders appropriately:

"_____. Contingency Appropriation: Contingent upon the enactment of **HB 1893** or similar legislation, the Texas Information and Referral Project (211) shall be appropriated \$8,000,000 in Fiscal Year 2004 and \$8,000,000 in Fiscal Year 2005 from the Universal Service Fund. These funds shall be used for telecommunications services relating to the continued development of a 211 system."

(Flynn in the chair)

Amendment No. 164 was withdrawn.

Amendment No. 165

Representative Capelo offered the following amendment to **CSHB 1**:
Floor Packet Page No. 188

Amend **CSHB 1** in Article II, Health and Human Services Commission, by adding appropriately numbered rider to read as follows:

Inpatient Hospital Reimbursement to Children's Hospitals. Out of funds appropriated above, the Commission shall provide that reimbursement for inpatient hospital services provided at a children's hospital in Texas through the Medicaid acute care program shall not be less than the payment amount established under the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) cost reimbursement methodology for the hospital.

Amendment No. 166

Representative Capelo offered the following amendment to Amendment No. 165:

Amend Floor Amendment No. 165 to **CSHB 1** (page 188, amendment packet) by striking "through the Medicaid acute care program" and substituting "under the traditional fee-for-service component of the state Medicaid program".

Amendment No. 166 was adopted without objection.

Amendment No. 165, as amended, was adopted without objection.

Amendment No. 167

Representative Naishtat offered the following amendment to **CSHB 1**:
Floor Packet Page No. 189

Amend **CSHB 1** as follows:

In Article II, Special Provisions, add the following appropriately numbered rider:

_____. **Medicaid Caseload Contingency Appropriations.** Contingent upon caseload reductions in Medicaid strategies resulting in savings to the general revenue appropriations for those strategies in an amount equal to or greater than \$295 million, there is hereby appropriated the following amounts to the Department of Human Services strategies below:

1. On page II-56, A.1.4. Strategy (In-Home & Family Support), increase the general revenue appropriation by \$7,500,000 in each year of the biennium:

2. On page II-55, A.1.1. Strategy (Community Care-Entitlement) increase the general revenue appropriation by \$115,703,563 in Fiscal Year 2004 and \$124,626,347 in Fiscal Year 2005.

3. On page II-56, A.1.3. Strategy (Community Care-State) increase the general revenue appropriation by \$4,250,379 in Fiscal Year 2004 and \$4,250,379 in Fiscal Year 2005.

4. On page II-56, A.1.5. Strategy (LTC Eligibility and Service Planning) increase the general revenue appropriation by \$6,329,079 in Fiscal Year 2004 and \$6,599,539 in Fiscal Year 2005.

5. On page II-57, A.1.7. Strategy (Integrated Managed Care) increase the general revenue appropriation by \$16,110,589 in Fiscal Year 2004 and \$17,012,792 in Fiscal Year 2005.

Amendment No. 167 was withdrawn.

Amendment No. 168

Representative Thompson offered the following amendment to **CSHB 1**:
Floor Packet Page No. 190

Amend **CSHB 1** as follows:

(1) on page II-57, in A.1.6 Strategy: NURSING FACILITY & HOSPICE PAYMENTS, strike "\$1,991,172,300" in FY 2004 and "\$1,784,473,475" in FY 2005 and substitute "\$1,998,672,300" in FY 2004 and "\$1,792,816,475" in FY 2005 respectively;

(2) on page II-59, Method of Financing: General Revenue Fund, strike "\$18,291,738" in FY 2004 and "\$18,807,554" in FY 2005 and substitute "\$25,791,738" in FY 2004 and "\$27,150,554" in FY 2005, respectively;

(3) on page II-70, add a new Rider No. 34 to read as follows:

"34. **Personal Needs Allowance.** The department shall set a personal needs allowance of not less than \$60 a month for a resident of a convalescent or nursing home or related institution licensed under Chapter 242, Health and Safety Code, personal care facility, ICF-MR facility, or other similar long-term care facility who receives medical assistance. The department may send the personal needs allowance directly to a resident who receives Supplemental Security Income (SSI) (42 U.S.C. Section 1381 et seq.)."

(4) on page V-10 in C.3.1. Strategy: Contract Prisons/Private State Jails strike "\$131,989,985" in FY 2004 and "\$132,062,329" in FY 2005 and substitute "\$124,070,586" in FY 2004 and "\$124,138,589" in FY 2005 respectively;

(5) on page V-11, Method of Financing: General Revenue Fund, strike "\$2,210,579,878" in FY 2004 and "\$2,213,158,913" in FY 2005 and substitute "\$2,202,660,479" in FY 2004 and "\$2,205,235,174" in FY 2005, respectively.

Representative Turner moved to table Amendment No. 168.

A record vote was requested.

The motion to table prevailed by (Record 269): 93 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Ellis; Flores; Gattis; Geren; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hodge; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; Marchant; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Paxton; Phillips; Pickett; Pitts; Puente; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Farabee; Farrar; Gallego; Garza; Giddings; Goodman; Guillen; Hochberg; Homer; Jones, D.; Jones, J.; Laney; Lewis; Mabry; Martinez Fischer; McReynolds; Menendez; Mercer; Moreno, J.; Naishtat; Noriega; Olivo; Peña; Quintanilla; Raymond; Reyna; Rodriguez; Rose; Solis; Telford; Thompson; Uresti; Villarreal; Wilson; Wise.

Present, not voting — Mr. Speaker; Flynn(C).

Absent, Excused — Eiland; Isett.

Absent — Capelo; Dukes; Hill; McClendon; Moreno, P.

Amendment No. 169

Representative Wohlgemuth offered the following amendment to **CSHB 1**:
Floor Packet Page No. 194

Amend **CSHB 1** as follows:

Amend Article II, Department of Human Services by adding the following rider:

_____. **Community Care Waiver Slots.** It is the intent of the Legislature that the Department of Human Services allow the number of community care waiver slots to be reduced to and maintained at appropriated levels through attrition.

CSHB 1- STATEMENT OF LEGISLATIVE INTENT

Amendment No. 169

REPRESENTATIVE NAISHTAT: I'm trying to understand the intent of this amendment, and I guess my question is: Is it your intention through this amendment to lower—or that the number of community care waiver spots is lowered below what's currently appropriated? Is it your intent to lower the number of slots below what's currently appropriated by the amendment?

REPRESENTATIVE WOHLGEMUTH: Definitely not. What this amendment attempts to do, or will do, is keep the level at the current level and will, in fact, keep the inflator from occurring. What we are doing through other riders in this

appropriation bill is, we are saying if a client is in a nursing home, and they want to go into a community care slot and there are, let's say, 100 community care slots, we're saying okay for this person. We're going to allow the money to follow that client from the nursing home into the community. So, now we have 101 community care slots. What we're saying is, when that client no longer is in that service—when they go back into the nursing home, or they're no longer living—that we go back to 100 instead of 101, 102, 103. So we're not going below 100. We're not cutting the funding. We're just keeping it from growing through that process.

NAISHTAT: Thank you.

REMARKS ORDERED PRINTED

Representative Naishtat moved to print remarks between Representative Naishtat and Representative Wohlgemuth.

The motion prevailed without objection.

Amendment No. 169 was adopted without objection.

Amendment No. 170

Representative Hilderbran offered the following amendment to **CSHB 1**:
Floor Packet Page No. 195

Amend **CSHB 1** in Article II of the bill by striking Rider 31 (Page II-70) following the appropriations to the Texas Department of Human Services and substitute:

Community Care Assessment Tool. Out of funds appropriated above, the Department of Human Services shall develop a new functional needs assessment tool for eligibility for community care programs for aged and disabled clients, which takes into consideration any other evaluation/assessment tools utilized by other state agencies and other states. The tool shall take into consideration innovations in technology with assistive devices. The assessment tool shall be evaluated for validity by an independent third party as an assessment tool for ensuring that clients with the greatest functional needs are identified for services. The assessment tool shall ensure that a client's family resources, monetary, community resources and otherwise, are taken into consideration in the calculation of hours of assistance needed. The scoring instrument will be used in conjunction with program services to ensure that clients with scores identifying the greatest financial and functional needs receive services. It is the intent of the Legislature that the department provide a status report on progress in developing the tool on the Legislative Budget Board and the Governor by January 1, 2004 and that the tool be fully implemented by September 1, 2004.

Amendment No. 171

Representative Hilderbran offered the following amendment to Amendment No. 170:

Amend amendment found on page 195 of the packet by striking "September 1, 2004," and inserting "January 1, 2005."

Amendment No. 171 was adopted without objection.

Amendment No. 171 - Vote Reconsidered

Representative Wohlgemuth moved to reconsider the vote by which Amendment No. 171 was adopted.

The motion to reconsider prevailed.

Amendment No. 171 was withdrawn.

CSHB 1 - STATEMENT OF LEGISLATIVE INTENT**Amendment No. 170**

REPRESENTATIVE DUKES: In the amendment that you are offering, the changes made to the assessment tool for the functional need score states that the greatest financial need and the greatest functional need will be reviewed. How, in your intent, is this tool to be established? Is it based on functional need, being 24 or 29, being assessed first and then the financial need?

REPRESENTATIVE HILDERBRAN: The intent is for functional to be considered first but financial to be considered, too. It says for both to be considered. It does not tell them to use a score like was discussed earlier that you raised concern about earlier in the process of the legislature. But the intent is for the people that need it the most—because they are dependent on the services, they are in the most need, their scores had 24—that they get it first and they have to qualify obviously within the 300 percent.

DUKES: Is it your intent, through this amendment, to establish an asset test, a financial asset test?

HILDERBRAN: No.

DUKES: So, there is no financial asset test. And the tool will be used to, first and foremost, establish functional need. Correct?

HILDERBRAN: And consider financial need. And go ahead and ask me the triage question, too.

DUKES: Is there an intent to triage patients based on functional and then financial need?

HILDERBRAN: Absolutely not.

REMARKS ORDERED PRINTED

Representative Dukes moved to print remarks between Representative Dukes and Representative Hilderbran.

The motion prevailed without objection.

Amendment No. 170 was adopted without objection.

Amendment No. 172

Representative Noriega offered the following amendment to **CSHB 1**:
Floor Packet Page No. 196

Amend **CSHB 1** as follows:

(1) Under the Article II appropriation to the Department of Human Services (page II-__), add the following appropriately numbered rider:

NURSING FACILITY BEDS FOR MEDICAID ELIGIBLE VETERANS.

Contingent upon a request from the Texas Veterans Land Board, it is the intent of the Legislature that the Department of Human Services create a program for Medicaid-eligible veterans that will enable those individuals to be placed in State Veterans Homes. It is further the intent of the Legislature that the department amend its nursing facility bed allocation rules to create sufficient certified beds to accommodate the requirements of such a program.

Amendment No. 172 was withdrawn.

Amendment No. 173

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 197

Amend **CSHB 1** as follows:

In Article II, add the following language to the appropriately numbered rider under the appropriations to the Department of Human Services (page II-70):

_____ **Health, Abstinence and Marital Development Program.** Contingent upon passage of legislation that implements health, abstinence, and marital development programs for TANF recipients, it is the intent of the legislature that such programs would include components related to family violence and resources for family violence victims.

Amendment No. 173 was adopted without objection.

Amendment No. 174

Representative Gallego offered the following amendment to **CSHB 1**:

Floor Packet Page No. 199

Amend **CSHB 1** as follows:

(1) Under the Article II appropriation to the Health and Human Services Commission (page II-__), add the following appropriately numbered rider:

Medicaid Provider Reimbursement. From funds appropriated for Medicaid physician and hospital outpatient rate increases in the Medicaid program, the Health and Human Services Commission shall establish a provider reimbursement methodology that recognizes and rewards high volume Medicaid practitioners, especially those along the Texas-Mexico border, where Medicaid funding is vital to the health care deliver system.

Representative Wohlgemuth moved to table Amendment No. 174.

A record vote was requested.

The motion to table prevailed by (Record 270): 84 Yeas, 58 Nays, 3 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dunnam; Dutton; Ellis; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Gutierrez; Haggerty; Hochberg; Hodge; Homer; Hopson; Jones, D.; Jones, J.; Laney; Lewis; Mabry; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker; Flynn(C); Turner.

Absent, Excused — Eiland; Isett.

Absent — Dukes; Martinez Fischer.

Amendment No. 175

Representative Y. Davis offered the following amendment to **CSHB 1**:

Floor Packet Page No. 186

Amend **CSHB 1** as follows:

In Article II, Health and Human Services Commission, add the appropriately numbered rider:

_____. **Prescription Allowances.** The Health and Human Services Commission shall not reduce the number of monthly prescription allowances.

Amendment No. 176

Representative Y. Davis offered the following amendment to Amendment No. 175:

Amend Amendment No. 175 by Davis to **CSHB 1** (page 186, amendment packet) by striking the existing text of the amendment and substituting the following:

Amend **CSHB 1** by adding the following appropriately numbered rider following the Article II appropriations to the Health and Human Services Commission:

_____. **VENDOR DRUG PROGRAM: PRESCRIPTION DRUG LIMIT.** The Health and Human Services Commission may not use any money appropriated to the commission by this Act to reduce the number of prescriptions

allowed under the Medicaid vendor drug program to a recipient of medical assistance under Chapter 32, Human Resources Code, below the number allowed on April 15, 2003.

Amendment No. 176 was adopted without objection.

Amendment No. 176 - Vote Reconsidered

Representative Y. Davis moved to reconsider the vote by which Amendment No. 176 was adopted.

The motion to reconsider prevailed.

Amendment No. 176 was withdrawn.

Amendment No. 175 was withdrawn.

Amendment No. 177

Representative Hilderbran offered the following amendment to **CSHB 1**:
Floor Packet Page No. 200

Amend **CSHB 1** in Article II of the bill by adding the following appropriately numbered rider following the appropriations to the Texas Department of Human Services:

_____. Contingency Appropriation for **HB 2124**. Contingent upon the enactment of **HB 2124** or similar legislation relating to the establishment of video lottery gaming by the 78th Legislature, Regular Session, the Texas Department of Human Services is hereby appropriated \$115,703,563 for fiscal year 2004, and \$124,626,347 for fiscal year 2005 to Strategy A.1.1. Community Care Entitlement, \$4,250,379 for fiscal year 2004, and \$4,250,379 for fiscal year 2005 to Strategy A.1.3. Community Care State, \$6,329,079 for fiscal year 2004, and \$6,599,539 for fiscal year 2005 to Strategy A.1.5. LTC Eligibility and Service Planning, and \$16,110,589 for fiscal year 2004, and \$17,012,792 for fiscal year 2005 to Strategy A.1.7. Integrated Service Delivery from the General Revenue Fund.

Amendment No. 178

Representatives Hilderbran, Lewis, Dukes, Pitts, and Coleman offered the following amendment to Amendment No. 177:

Amend Amendment No. 177 by Hilderbran to **CSHB 1** (page 200, amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** in Article IX of the bill by adding the following appropriately numbered subdivisions to Section 11.29 (page IX-86):

() Department of Human Services, \$115,703,563 for fiscal year 2004 and \$124,626,347 for fiscal year 2005 in additional general revenue for Strategy A.1.1, Community Care-Entitlement; \$4,250,379 for fiscal year 2004 and \$4,250,379 for fiscal year 2005 in additional general revenue for Strategy A.1.3, Community Care-State; \$6,329,079 for fiscal year 2004 and \$6,599,539 for fiscal year 2005 in additional general revenue for Strategy A.1.5, LTC Eligibility and Service Planning; \$16,110,589 for fiscal year 2004 and \$17,012,792 for fiscal

year 2005 in additional general revenue for Strategy A.1.7, Integrated Managed Care Systems; \$15,000,000 for the state fiscal biennium ending August 31, 2005 in additional general revenue for Strategy A.1.4. In-Home & Family Support; \$13,000,000 for the state fiscal biennium ending August 31, 2005 in additional general revenue for Strategy A.1.6. Nursing Facility & Hospice Payments; \$12,250,000 for the state fiscal biennium ending August 31, 2005 in additional general revenue for Strategy B.1.1. TANF Grants (Formerly AFDC); and \$1,532,520 for the state fiscal year ending August 31, 2004 and \$1,532,520 for the state fiscal year ending August 31, 2005 in additional general revenue for Community Alzheimer's Resources and Education (CARE) Program; with these amounts contingent on the enactment of legislation relating to the establishment of video lottery gaming by the 78th Legislature, Regular Session;

() Texas Department of Health, \$5,400,000 for the state fiscal biennium ending August 31, 2005 in additional general revenue for Strategy A.3.2. Immunizations; and \$9,700,000 for the state fiscal biennium ending August 31, 2005 in additional general revenue for Strategy D.1.3. Special Needs Children; with these amounts contingent on the enactment of legislation relating to the establishment of video lottery gaming by the 78th Legislature, Regular Session;

() Texas Department of Mental Health and Mental Retardation, \$6,500,000 for the state fiscal biennium ending August 31, 2005 in additional general revenue for Strategy B.1.1. MH State Hospital Services; \$15,300,000 for the state fiscal biennium ending August 31, 2005 in additional general revenue for Strategy C.1.4. MR Community Residential Service; \$7,488,142 for the state fiscal biennium ending August 31, 2005 in additional general revenue for Strategy D.1.1. MR State School Services; \$25,000,000 for the state fiscal biennium ending August 31, 2005 in additional general revenue for Strategy C.1.2. MR Medicaid Waiver Services; and \$7,000,000 for the state fiscal biennium ending August 31, 2005 in additional general revenue for Strategy C.1.1. MR Community Services; with these amounts contingent on the enactment of legislation relating to the establishment of video lottery gaming by the 78th Legislature, Regular Session;

() Texas Department of Protective and Regulatory Services, \$2,400,000 for the state fiscal biennium ending August 31, 2005 in additional general revenue for Strategy A.1.2. Child and Family Services; \$1,300,000 for the state fiscal biennium ending August 31, 2005 in additional general revenue for Strategy A.1.7. At-Risk Prevention Services; \$600,000 for the state fiscal biennium ending August 31, 2005 in additional general revenue for Strategy A.1.3. CPS Purchased Client Services; with these amounts contingent on the enactment of legislation relating to the establishment of video lottery gaming by the 78th Legislature, Regular Session;

() Teacher Retirement System, \$296,000,000 for the state fiscal biennium ending August 31, 2005 in additional general revenue for TRS Care and Active Care pass-through; with this amount contingent on the enactment of legislation relating to the establishment of video lottery gaming by the 78th Legislature, Regular Session;

() Texas Higher Education Coordinating Board, \$20,500,000 for the state fiscal biennium ending August 31, 2005 in additional general revenue for Strategy B.1.1. Tuition Equalization Grant Program; and \$78,000,000 for the state fiscal biennium ending August 31, 2005 in additional general revenue for Strategy B.1.11. Texas Grant Program; with these amounts contingent on the enactment of legislation relating to the establishment of video lottery gaming by the 78th Legislature, Regular Session; and

() Texas Education Agency, \$5,000,000 for the state fiscal year ending August 31, 2004; and \$5,000,000 for the state fiscal year ending August 31, 2005 in additional general revenue for Strategy A.2.5. School Improvement and Support Programs; with these amounts contingent on the enactment of legislation relating to the establishment of video lottery gaming by the 78th Legislature, Regular Session.

Amendment No. 178 was withdrawn.

Amendment No. 177 was withdrawn.

Amendment No. 179

Representative Y. Davis offered the following amendment to **CSHB 1**:

Floor Packet Page No. 201

Amend **CSHB 1** as follows:

1.) In Article II, Department of Human Services, add the appropriately numbered rider:

_____. **Contingency Appropriation for Community Care-State.** Contingent upon enactment of **HB 578**, or similar legislation generating revenue estimated to be at least \$300 million or more, restore community service care for the disabled, elderly, and frail care.

(Speaker in the chair)

Amendment No. 180

Representative Y. Davis offered the following amendment to Amendment No. 179:

Amend Amendment No. 179 by Y. Davis to **CSHB 1** (page 201, amendment packet) by striking the existing text of the amendment and substituting the following:

In Article IX of the bill, add the following appropriately numbered subdivision to Section 11.29:

() Department of Human Services for the purpose of providing community service care for the disabled, frail, and elderly, contingent on **HB 578** or similar legislation being enacted by the 78th Legislature, Regular Session, and becoming law: additional revenues that are generated as a result of the legislation in an amount not to exceed \$300,000,000;

Amendment No. 180 was adopted without objection.

Representative Wohlgemuth moved to table Amendment No. 179.

A record vote was requested.

The motion to table prevailed by (Record 271): 94 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Ellis; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; Villarreal; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Farrar; Flores; Gallego; Garza; Guillen; Haggerty; Hochberg; Hodge; Hopson; Jones, J.; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Solis; Telford; Thompson; Turner; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett.

Absent — Callegari; Capelo; Giddings; Moreno, P.; Pickett; Uresti.

Amendment No. 181

Representative Rodriguez offered the following amendment to **CSHB 1**:
Floor Packet Page No. 202

Amend **CSHB 1** as follows:

(1) In Article II, add the following appropriately numbered rider under the appropriations to the Texas Department of Human Services:

_____. **PROHIBITION ON ELECTRONIC IMAGING.** No funds appropriated by this Act may be used to pay for electronic fingerprint-imaging or photo-imaging of adult or teen parent applications for or adult or teen parent recipients of the Temporary Assistance for Needy Families program.

(2) In Article II, under the appropriations to the Texas Department of Human Services, reduce the amounts appropriated from the General Revenue Fund for Strategy B.1.2. CSS Eligibility & Issuance Services (page II-xx) by \$1,149,495 for the fiscal year beginning September 1, 2003, and \$1,149,495 for the fiscal year beginning September 1, 2004.

(3) In Article II, under the appropriations to the Health and Human Services Commission, increase the amounts appropriated from the General Revenue Fund for the Breast and Cervical Cancer Treatment Program by \$1,149,495 for the fiscal year beginning September 1, 2003, and \$1,149,495 for the fiscal year beginning September 1, 2004.

Amendment No. 182

Representative Rodriguez offered the following amendment to Amendment No. 181:

Amend Amendment No. 181 by Rodriguez to **CSHB 1** (page 202 amendment packet) at the end of the first paragraph after the word "program" and before the period by adding "and food stamp benefits".

Amendment No. 182 was withdrawn.

Amendment No. 183

Representative Wohlgemuth offered the following amendment to Amendment No. 181:

Amend Amendment No. 181 by Rodriguez to **CSHB 1** (page 202, amendment packet) as follows:

(1) In Item (1) of the amendment, in the proposed rider following the appropriations to the Texas Department of Human Services, between "program" and the period, insert "by a person or entity with whom the department contracts until the office of the attorney general completes an audit of the background and performance of the person or entity and the legality of the process used to award the contract".

(2) Strike Items (2) and (3) of the amendment.

Amendment No. 183 was adopted without objection.

Amendment No. 181, as amended, was adopted without objection.

Amendment No. 184

Representative J. Davis offered the following amendment to **CSHB 1**:
Floor Packet Page No. 209

Amend **CSHB 1** in Article II of the bill following the appropriation to the Texas Department of Mental Health and Mental Retardation by adding the following appropriately numbered rider:

____. PRIVATIZATION OF MENTAL HEALTH FACILITY. (a) Out of the funds appropriated above in Strategy B.1.1, MH State Hospital Services, (page II-71), for the state fiscal year beginning September 1, 2004, the Texas Department of Mental Health and Mental Retardation may allocate funds to contract with a private service provider to operate a mental health facility owned by the department only if the Health and Human Services Commission determines that the private service provider will operate the facility at a cost that is at least 10 percent less than the cost to the department to operate the facility and gives its prior approval of the contract.

(b) On or before April 1, 2004, the Texas Department of Mental Health and Mental Retardation shall report to the commissioner of health and human services whether the department has received a proposal by a private service provider to operate a facility. The report must include an evaluation of the private service provider's qualifications, experience, and financial strength, a determination of whether the provider can operate the facility under the same standard of care as

the department, and an analysis of the projected savings under a proposed contract with the provider. The savings analysis must include all department costs to operate the facility, including costs, such as employee benefits, that are not appropriated to the department.

(c) If the Texas Department of Mental Health and Mental Retardation contracts with a private service provider to operate a facility, the department, the governor's office of budget and planning, and the Legislative Budget Board shall identify sources of funding that must be transferred to the department to fund the contract.

(d) It is the intent of the Legislature that a facility operated under a contract be required to treat a population with the same characteristics and acuity levels as that population presently treated at that facility.

Amendment No. 184 was withdrawn.

Amendment No. 185

Representative McReynolds offered the following amendment to **CSHB 1**:
Floor Packet Page No. 213

Amend **CSHB 1** as follows:

(1) Add the following appropriately numbered rider under the Article II appropriations to the Texas Department of Mental Health and Mental Retardation (page II-73):

____. The amount of \$11,518,094 is appropriated out of the general revenue fund to the Texas Department of Mental Health and Mental Retardation for the state fiscal year ending August 1, 2004, and the additional amount of \$11,518,094 is appropriated out of the general revenue fund to the Texas Department of Mental Health and Mental Retardation for the state fiscal year ending August 1, 2005, for the purpose of operating residential care facilities for persons with mental retardation.

(2) Reduce the Article X appropriations to the Texas Senate (page X-1) by \$3,839,364.67 for the state fiscal year ending August 1, 2004, and by \$3,839,364.67 for the state fiscal year ending August 1, 2005.

(3) Reduce the Article X appropriations to the Texas House of Representatives (page X-1) by \$3,839,364.67 for the state fiscal year ending August 1, 2004, and by \$3,839,364.67 for the state fiscal year ending August 1, 2005.

(4) Reduce the Article X appropriations to the Texas Legislative Council (page X-3) by \$3,839,364.66 for the state fiscal year ending August 1, 2004, and by \$3,839,364.66 for the state fiscal year ending August 1, 2005.

(5) Adjust totals and methods of financing appropriately.

Representative J. Davis moved to table Amendment No. 185.

The motion to table prevailed. (Hughes recorded voting no)

Amendment No. 186

Representative Kolkhorst offered the following amendment to **CSHB 1**:
Floor Packet Page No. 214

Amend **CSHB 1** as follows:

Amend Article II (page II-90) by including the following sentence at the end of the first paragraph of Rider 50:

If a State School is closed, the Department must offer a current resident of that State School the option to remain within the State School system and must honor the choice of the individual, or the individual's legally authorized representative, to remain within the State School system, if that individual so chooses.

Amendment No. 187

Representative Kolkhorst offered the following amendment to Amendment No. 186:

Amend Amendment No. 186 by Kolkhorst to **CSHB 1** (amendment package page 214) by striking the current text of the amendment and substituting:

Amend **CSHB 1** in Rider No. 50 under the Article II appropriations to the Texas Department of Mental Health and Mental Retardation (page II-90) add the following at the end of the rider:

If the department closes a state school, for each resident of that state school who resides in the state school at the time the closure is planned, the department must provide for state school placement for the resident unless:

(1) the resident has the capacity to make a decision regarding the resident's placement, and the resident chooses not to be provided placement in a state school; or

(2) the resident's legally authorized representative chooses not to have placement provided for the resident at a state school.

Amendment No. 187 was withdrawn.

Amendment No. 186 was adopted without objection.

Amendment No. 188

Representatives McReynolds and Hopson offered the following amendment to **CSHB 1**:

Floor Packet Page No. 215

Amend **CSHB 1**, Article II, Department of Mental Health and Mental Retardation on page II-92 by adding a new Section 61 as follows and by renumbering the remaining sections appropriately:

61. Required Approval for State School or State Hospital Closure. In the event the department satisfies all existing statutory or other legal restrictions pertaining to the potential closure of a state school or state hospital, the department must provide written notification to the Legislative Budget Board and the Governor of the name and location of the facility proposed to be closed, the number of clients affected, and the time line for implementing the plan to close the facility. The department may not proceed with the plan to close the facility until it receives the formal written approval of both the Legislative Budget Board and the Governor.

Representative Heflin moved to table Amendment No. 188.

The motion to table prevailed. (D. Jones recorded voting no)

Amendment No. 189

Representative Kolkhorst offered the following amendment to **CSHB 1**:
Floor Packet Page No. 217

Amend **CSHB 1** as follows:

Amend Article II (page II-93), rider number 63 by inserting the following sentence immediately before the last sentence of the rider, which starts "The Department shall work closely. . . ."

After the 1% cost-cutting measures are achieved, no additional monies may be taken from the State School system to fund the preservation of the 3-and 4-bed Medicaid Waiver model.

Representative Heflin moved to table Amendment No. 189.

The motion to table prevailed. (Hughes recorded voting no)

Amendment No. 190

Representative Solis offered the following amendment to **CSHB 1**:
Floor Packet Page No. 218

Amend **CSHB 1** in Article II of the bill following the appropriation to the Texas Department of Mental Health and Mental Retardation by adding the following appropriately numbered rider:

____. Feasibility Study for Expansion of Rio Grande State Center. The Texas Department of Mental Health and Mental Retardation, in cooperation with the Texas Department of Health, shall study the feasibility of using any available facilities of the South Texas Hospital for the expansion of residential facilities of the Rio Grande State Center.

Amendment No. 190 was withdrawn.

Amendment No. 191

Representative Farabee offered the following amendment to **CSHB 1**:
Floor Packet Page No. 221

Contingent upon passage of **HB 1801**, **SB 1182**, or similar legislation, the Department of MHMR shall negotiate a performance agreement with each Local MHMR Authority based on the priorities of the local community as expressed in the local service plan. The performance agreement shall specify certain outcome expectations for programs administered by the local authority. Performance related to these outcomes must be verifiable by the Department. Measures relating to outputs, units of service delivered, and efficiencies which may be included in the performance agreement, shall be recorded in the local authority automated data systems. Copies of these reports shall be forwarded to the Department at least annually.

Amendment No. 191 was adopted without objection.

Amendment No. 192

Representative Wohlgemuth offered the following amendment to **CSHB 1**:
Floor Packet Page No. 225

Amend **CSHB 1** as follows:

On page II-93, add the following new rider:

_____. **Expenditures on Bond Homes.** It is the intent of the Legislature that expenditures made for the provision of client services in bond homes operated by the Department of Mental Health and Mental Retardation shall not exceed the approved reimbursement rates.

Amendment No. 193

Representative J. Davis offered the following amendment to Amendment No. 192:

Amend Amendment No. 192 to **CSHB 1** by Wohlgemuth (amendment package page 225) by inserting the following sentence after "approved reimbursement rates.": "The Legislature also intends that those reimbursement rates be based on the level of need and be calculated in the same manner as the reimbursement rates for private sector service providers who provide those client services under a contract with the department."

Amendment No. 193 was adopted without objection.

Amendment No. 192, as amended, was adopted without objection.

Amendment No. 194

Representative Hunter offered the following amendment to **CSHB 1**:
Floor Packet Page No. 226

Amend **CSHB 1** in Article II, Rider 64.b (on page II-93), by striking: "The task force may recommend to the Commissioner of the Health and Human Services Commission the consolidation or closure of state schools."

Amendment No. 195

Representatives Capelo, Uresti, Solis, and Puente offered the following amendment to Amendment No. 194:

Amend Amendment No. 194 by Hunter (page 226, amendment packet), by striking the text of the amendment and substituting the following:

Amend **CSHB 1** in the Article II appropriations to the Department of Mental Health and Mental Retardation, Rider 64.b (page II-93), by inserting, at the end of that paragraph:

"The commissioner may not proceed with a plan to close a state school until the commissioner receives the formal written approval of the house committee on appropriations and the senate finance committee."

Representative J. Davis moved to table Amendment No. 195.

The motion to table prevailed.

Amendment No. 194 was adopted without objection.

Amendment No. 196

Representatives Dunnam and Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 227

Amend **CSHB 1** as follows:

1) On page X-2, House of Representatives, strike Rider #3, Unexpended Balances.

2) On page X-4, Legislative Council, Rider #2, after the words "Unexpended Balances", strike the first paragraph beginning with the words "Any unexpended balances as of August 31, 2003" and ending with the words "appropriation to the Council."

3) On page II-94, Department of Protective and Regulatory Services, A.1.7. Strategy (At Risk Prevention Services) increase the General Revenue Appropriations by \$3,899,209 for Fiscal Year 2004 and \$3,899,209 for Fiscal Year 2005.

Representative Heflin moved to table Amendment No. 196.

A record vote was requested.

The motion to table prevailed by (Record 272): 93 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Allen; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; Marchant; McClendon; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Burnam; Canales; Capelo; Casteel; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ellis; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Hochberg; Hopson; Jones, J.; Laney; Lewis; Mabry; Martinez Fischer; Menendez; Moreno, J.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett.

Absent — Hodge; McCall; McReynolds; Moreno, P.

Amendment No. 197

On behalf of Representative Oliveira, Representative Hochberg offered the following amendment to **CSHB 1**:

Floor Packet Page No. 228

Amend **CSHB 1**, Article II, page II-100, Rider 13, under the appropriation to the Department of Protective and Regulatory Services, by striking the amount "\$7,065,945" for Community Youth Development Grants and substituting the amount "\$8,206,767".

Representative Hupp moved to table Amendment No. 197.

The motion to table prevailed.

Amendment No. 198

Representatives Coleman and Deshotel offered the following amendment to **CSHB 1**:

Floor Packet Page No. 231

Amend **CSHB 1** as follows:

In Article II, Rehabilitation Commission, add the appropriately numbered rider:

_____. **Denial Rates for Social Security Disability Insurance and Supplemental Security Income.** The Texas Rehabilitation Commission shall submit a written report quarterly to the Legislative Budget Board and Governor that compare the Commission's rate and the numbers of denials for initial claims for Social Security Disability Insurance and Supplemental Security Income to regional and national rates of denials. The Commission shall also report the rate and numbers of initial denials overturned upon appeal compared to regional and national rates during the quarter.

Amendment No. 198 was withdrawn.

Amendment No. 199

Representative Gallego offered the following amendment to **CSHB 1**:

Floor Packet Page No. 232

Amend **CSHB 1** as follows:

(1) Amend **CSHB 1** in Article II by adding the following appropriately numbered rider (on page II-115):

_____. **Access to Health Care Services.** Notwithstanding any other provision, an agency administering or responsible for any part of the medical assistance program under Chapter 32, Human Resources Code, may not adopt or implement any changes to eligibility rules or procedures that would decrease enrollment unless the Health and Human Services Commission receives prior written approval from the Legislative Budget Board and the Governor.

Representative Wohlgemuth moved to table Amendment No. 199.

The motion to table prevailed.

Amendment No. 200

Representatives Naishtat and Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 234

Amend **CSHB 1** as follows:

In Article II, Special Provisions, add the following appropriately numbered Section:

SEC. _____. Contingency provisions for **HB 267**. Contingent upon the enactment of the Seventy-Eighth Legislature, regular session, of **HB 267**, or similar legislation increasing the user fee on cigarettes, the amount of General Revenue generated by the user fee, estimated to be \$1,500,000,000 billion dollars for the biennium, shall be allocated to the following programs in the order listed below by priority:

1. \$60,000,000 for Tobacco Cessation Account.
2. \$309,900,000 for community care for elderly and disabled individuals.
3. \$276,500,000 for Medicaid provider rates to fiscal 2003 levels.
4. \$92,100,000 for prenatal care and delivery for pregnant women with incomes between 134-185% of the federal poverty level.
5. \$215,500,000 for children with income eligibility of up to 200% of the federal poverty level covered by CHIP, SKIP, and School Employee Children's Insurance.
6. for Children's Medicaid simplification:
 - a. \$45,700,000 for mail in application and renewal for Children's Medicaid;
 - b. \$107,300,000 for a less strict assets test; and
7. \$9,700,000 for Children with Special Health Care Needs.
8. \$15,000,000 for county indigent health care program.
9. \$41,500,000 for the support of local government tertiary care facilities that provide indigent health services.
10. \$6,500,000 to retain current number of mental health state hospitals.
11. \$11,500,000 to retain current number of mental retardation state schools.
12. \$1,400,000 to maintain current child protective service case workers and staff.
13. \$26,000,000 for additional child protective service workers.
14. \$7,200,000 to maintain foster care payment rates.
15. \$60,800,000 for temporary health coverage for "medically needy" adults.
16. \$78,500,000 to fund increased acuity of long-term care.
17. \$13,000,000 to restore personal needs allowance of nursing home individuals.
18. \$5,400,000 for Texas Department of Health immunization programs.
19. \$31,000,000 for child abuse and at-risk prevention programs.
20. \$26,000,000 for optional Medicaid benefits.
21. \$50,400,000 for Graduate Medical Education.

22. \$10,100,000 for Texans with kidney failure who are not covered by Medicaid or Medicare.

Representative Wohlgemuth moved to table Amendment No. 200.

A record vote was requested.

The motion to table prevailed by (Record 273): 94 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Ellis; Farabee; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; Marchant; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; Farrar; Flores; Gallego; Garza; Goodman; Gutierrez; Hochberg; Hodge; Hopson; Jones, J.; Laney; Lewis; Mabry; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Moreno, J.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Seaman; Solis; Telford; Turner; Uresti; Wise.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett.

Absent — Capelo; Dukes; Giddings; Guillen; Moreno, P.; Thompson; Villarreal.

STATEMENT OF VOTE

When Record No. 273 was taken, my vote failed to register. I would have voted no.

Guillen

Amendment No. 201

Representative Y. Davis offered the following amendment to **CSHB 1**:
Floor Packet Page No. 186

Amend **CSHB 1** as follows:

In Article II, Health and Human Services Commission, add the appropriately numbered rider:

_____. **Prescription Allowances.** The Health and Human Services Commission shall not reduce the number of monthly prescription allowances.

Amendment No. 202

Representative Y. Davis offered the following amendment to Amendment No. 201:

Substitute for the Amendment to Amendment No. 201 by Davis to **CSHB 1** by striking the existing text of the amendment to the amendment and substituting the following:

Amend Amendment No. 201 by Davis to **CSHB 1** (page 186, amendment packet), by striking the existing text of the amendment and substituting the following:

Amend **CSHB 1** by adding the following appropriately numbered rider following the Article II appropriations to the Health and Human Services Commission:

_____. VENDOR DRUG PROGRAM: PRESCRIPTION DRUG LIMIT. It is the intent of the legislature that the Health and Human Services Commission not deny a recipient of medical assistance under Chapter 32, Human Resources Code, a prescription drug under the vendor drug program if the prescription drug is appropriately prescribed and, if the recipient receives the prescription drug, the recipient will not have exceeded the number of prescription drugs authorized by law.

Amendment No. 202 was adopted without objection.

Amendment No. 201, as amended, was adopted without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Higher Education, 7:30 a.m. today, April 16, E2.026, for a formal meeting, to consider pending business.

Ethics, Select, upon final recess today, April 16, Desk 71, for a formal meeting, to consider **HB 1606**.

State Affairs, 8 a.m. today, April 16, JHR 140.

Local Government Ways and Means, 8:30 a.m. today, April 16, Desk 73, for a formal meeting.

Appropriations, Regulatory Subcommittee, upon final recess today, April 16, Desk 134, for a formal meeting.

Energy Resources, will not meet.

Corrections, 8:30 a.m. today, April 16, speakers committee room, for a formal meeting.

PROVIDING FOR RECESS

Representative Hilderbran moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 9 a.m. today in memory of Rio Nicholas of Fredericksburg.

The motion prevailed without objection.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES
CORRECTIONS IN REFERRAL**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

RECESS

In accordance with a previous motion, the house, at 1:20 a.m. Wednesday, April 16, recessed until 9 a.m. today.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 3573 (By J. Davis), Relating to the creation of the Baybrook Management District; providing authority to impose taxes and issue bonds.

To County Affairs.

HB 3574 (By Wohlgemuth), Relating to the creation, administration, powers, duties, functions, operations, and financing of the Johnson County Special Utility District.

To Natural Resources.

HB 3575 (By Hegar), Relating to the creation of the Katy Towne Centre Development District; providing authority to impose a tax and issue bonds.

To Urban Affairs.

HB 3576 (By J. Davis), Relating to the creation of the Harris County Road Improvement District No. 1; providing authority to impose a tax and issue bonds.

To Transportation.

HB 3577 (By Smithee), Relating to the County Court at Law of Randall County.

To Judicial Affairs.

HB 3578 (By Wong), Relating to powers, duties, and name of the Upper Kirby Management District.

To County Affairs.

HB 3579 (By Rose), Relating to the creation, administration, powers, duties, operation, and financing of Ranch at Clear Fork Creek Municipal Utility District No. 1.

To Natural Resources.

HB 3580 (By Quintanilla), Relating to the creation, administration, powers, duties, operation, and financing of the Desert View Municipal Utility District.

To Natural Resources.

HB 3581 (By Quintanilla), Relating to the creation, administration, powers, duties, operation, and financing of the Rio Grande Municipal Utility District.

To Natural Resources.

HB 3582 (By Quintanilla), Relating to the creation, administration, powers, duties, operation, and financing of the Paseo del Este Municipal Utility Districts No. 1, 2, 3, 4, 5, 6, 7, 8, and 9 and to the authorization of bonds and the imposition of taxes; providing civil penalties.

To Natural Resources.

HCR 198 (By Stick), Granting Henry Aratow, James Drinkard, Minerva Drinkard, Peter Kopels, Trudy Leggett, and Tamila Seal permission to sue the City of Austin.

To Civil Practices.

HCR 199 (By Gutierrez), Requesting that congress enact legislation to define the political status options available to U.S. citizens of Puerto Rico.

To State Affairs.

HR 768 (By Naishtat), Honoring the Texas Longhorns women's basketball team on their outstanding season.

To Rules and Resolutions.

HR 769 (By Naishtat), Honoring The University of Texas men's basketball team.

To Rules and Resolutions.

HR 770 (By Bohac), Congratulating Paul and Ellen Nuckolls of Georgetown on their 60th wedding anniversary.

To Rules and Resolutions.

HR 771 (By Woolley), Congratulating National Terrazzo Tile and Marble of Houston on receiving the National Terrazzo & Mosaic Association's "Job of the Year" award for 2001.

To Rules and Resolutions.

HR 772 (By Hilderbran), Honoring Greg Shrader of Kerrville on his receipt of the 2002 Mayborn Award for Community Leadership.

To Rules and Resolutions.

HR 773 (By Peña), Honoring students from the Rio Grande Valley enrolled in the Premedical Honors College at The University of Texas-Pan American.

To Rules and Resolutions.

HR 774 (By Peña), Honoring Dr. Anna Guzman of Edinburg on her selection as AVANCE-Rio Grande Valley's 2003 Mother of the Year.

To Rules and Resolutions.

HR 778 (By Chavez), Honoring Arturo Duran of El Paso County for his achievements.

To Rules and Resolutions.

HR 779 (By Merritt), In memory of Lois Mason of Kilgore.

To Rules and Resolutions.

SB 13 to Public Education.

SB 244 to Elections.

SB 382 to Public Health.

SB 493 to State Health Care Expenditures, Select.

SB 641 to Land and Resource Management.

SB 903 to Transportation.

SB 909 to Licensing and Administrative Procedures.

SB 1059 to State Affairs.

SB 1065 to Human Services.

SB 1082 to Public Education.

SB 1083 to Transportation.

SB 1109 to Public Education.

SB 1240 to Public Education.

SCR 40 to Defense Affairs and State-Federal Relations.

SJR 19 to State Affairs.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

HR 476 (By Hardcastle), Amending the Housekeeping Resolution to authorize the Committee on House Administration to provide additional funds to members representing districts with additional costs because of geographic size.

To House Administration.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 26

HCR 104, HCR 118

Senate List No. 15

SB 868

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Tuesday, April 15, 2003

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:**HCR 200**

Davis, John

SPONSOR: Jackson

In memory of the crew of the space shuttle Columbia.

SCR 43

Jackson

Extolling the numerous benefits of space flight to mankind and the importance of maintaining support for innovative programs that inspire future scientists and engineers to continue the legacy of Columbia and her crew.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Tuesday, April 15, 2003 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:**SCR 42**

Barrientos

Declaring that all state departments and agencies be closed for a half day, emergency services excepted, beginning at noon on Friday, April 18, 2003.

SCR 44

Whitmire

Providing that each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, April 16, 2003, and ending on Tuesday, April 22, 2003.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, April 15, 2003 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 7

Wentworth

Relating to the recognition of a same-sex marriage or civil union.

SB 1280

Fraser

Relating to the regulation of certain successors of electric cooperatives.

SB 1394

Shapiro

Relating to employment contract requirements for certain public school principals.

SB 1430

Averitt

Relating to additional interest for default on certain secondary mortgage loans.

SJR 45

Madla

Proposing a constitutional amendment to repeal the authority of the legislature to provide for the creation of rural fire prevention districts.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, April 15, 2003 - 4

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 251

Lucio

Relating to a school district policy concerning the use of school counselors' work time.

SB 266

Lucio

Relating to the continuation and functions of the Board of Law Examiners.

SB 541

Williams

Relating to authorizing insurers and health maintenance organizations to issue plans that do not include state-mandated health benefits.

SB 894

Bivins

Relating to the reporting and auditing requirements relating to school dropouts and to the use of compensatory education funds.

SB 1021

Madla

Relating to emergency services districts and the conversion of all rural fire prevention districts to emergency services districts.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 14

Criminal Jurisprudence - **HB 172, HB 235, HB 236, HB 275, HB 716, HB 1246, HB 1300, HB 1609, HB 1872, HB 2192, HB 2704, HB 2795**

Defense Affairs and State-Federal Relations - **HB 20, HB 399, HB 655, HB 798, SB 756, SB 761**

Elections - **HB 1344, HB 1476, HB 3128, HJR 62**

Energy Resources - **HB 1402, HB 2020**

Environmental Regulation - **HB 1481**

Higher Education - **HB 577, HB 1544**

Human Services - **HB 1017, HB 2469**

Insurance - **HB 1262, HB 1267, HB 1268, SB 339**

Juvenile Justice and Family Issues - **HB 529, HB 1050, HB 2011, HB 2137, HB 2319, HB 3087, HB 3113, HB 3114, SB 151**

Land and Resource Management - **HB 334**

Licensing and Administrative Procedures - **SB 416**

Local Government Ways and Means - **HB 104**

Public Education - **HB 1254**

Public Health - **HB 1490, SB 263**

Regulated Industries - **HB 1942, HB 2548**

State Cultural and Recreational Resources - **HB 457, HB 1764, HB 1837, HB 1937, HB 1989, HB 2351, HB 2470, HB 2471, HB 2779, HB 2900, HJR 89**

Urban Affairs - **HB 424, HB 1207, HB 1247, HB 2038, HB 2083, HB 2179, HB 2732**

Ways and Means - **HB 418**

ENGROSSED

April 14 - HB 216, HB 256, HB 587, HB 906, HB 944, HB 1000, HB 1180, HB 1307, HB 1321, HB 1331, HB 1372, HB 1452, HB 1713, HB 1743, HB 2008, HB 2096, HB 2146

ENROLLED

April 14 - HCR 104, HCR 118

SENT TO THE GOVERNOR

April 14 - HCR 40, HCR 72, HCR 110, HCR 111, HCR 112, HCR 113, HCR 114, HCR 115, HCR 116, HCR 117, HCR 119, HCR 120, HCR 121, HCR 122, HCR 195